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CITY OF ATLANTA
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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
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STAFF REPORT
July 10, 2013

Agenda Item: Review and comment (RC-13-163) on application Z-13-017 on the rezoning from R-5/C-2-C to C-2-C at **40 and 46 Boulevard, 25, 27, 33, and 39 Daniel Street and 492 and 496 Gartrell Street**. Property is zoned C-2-C / R-5 / Beltline.

Applicant: Watts and Browning
1180 Bells ferry Road, Marietta

Facts: The proposed rezoning is located south of Edgewood Avenue, on a block also bounded by Boulevard, Daniel Street, and Gartrell Street. The southern boundary of the Martin Luther King, Jr. Landmark District is located at the northern portion of this same block.

In 2001, a rezoning was approved by the City of Atlanta which involved much of the same property as included in the current rezoning proposal. This 2001 rezoning created the C-2-C district that is proposed for rezoning now. The current rezoning proposal also includes R-5 zoned property that was not a part of the 2001 rezoning.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (e) Powers and Duties: The commission is the city agency responsible for developing and administering the city's historic preservation and urban design activities and shall have the following powers and duties:*
 - (6) The commission shall review and make written recommendation to the zoning review board and to the board of zoning adjustment on any proposed action pending before said boards regarding any building, site or district which has been designated for historic protection pursuant to this article or by chapter 20 of part 16 of the Code of Ordinances.*

Upon reviewing the current rezoning application before the Commission at this time, the approved 2001 rezoning legislation, the City's current GIS-based Zoning Map, the City's previously-used velum and ink Zoning Map, and the City's cadastral / plat maps, the Staff finds that the 2001 rezoning legislation changed the southern boundary of the Martin Luther King, Jr. Landmark District. The 2001 legislation, as documented in the 2001 legislation's legal

description and site plan, rezoned a thin section property from the Martin Luther King, Jr. Landmark District to C-2-C. This action essentially moved this portion of the southern boundary of the Martin Luther King, Jr. Landmark District slightly north to what would correspond to the northern property line of 26 Boulevard, using the addresses used in the 2001 rezoning legislation. This thin section of property is now considered to be the very northern portion of 40 Boulevard, as depicted in the current rezoning application / site plan and using the addresses listed therein. The boundary line of the Martin Luther King, Jr. Landmark District, given the results of the 2001 rezoning legislation, would now be considered the northern property line of 40 Boulevard.

As such, the Staff finds that the proposed rezoning does not affect property that is located within the Martin Luther King, Jr. Landmark District or any other designated district. As a result, the Staff has concluded that Section 6-4043(e)(6) does not apply to Z-13-017. Further, given that Section 6-4043(e)(9) does not apply to Z-13-017, no Commission comment is required nor authorized regarding the proposed rezoning.

Staff Recommendation: Staff recommends that a letter with analysis of the Staff concluding that no Commission comment is required for application Z-13-017 on the rezoning from R-5/C-2-C to C-2-C at **40 and 46 Boulevard, 25, 27, 33, and 39 Daniel Street and 492 and 496 Gartrell Street** be sent to the Office of Planning and other concerned parties.



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

July 10, 2013

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-167) for renovations and an addition at **347 Grant Park Place**– Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Raymont Walker
288 Prospect Place

Facts: According to the Grant Park Inventory sheet this existing dwelling built in 1941 is considered contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (2) Certificates of Appropriateness.
- (B) Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures;

Per Section 16-20K.007:

- (1) *Development Controls.*
 - (A) *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - (B) *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.
 - (C) *Rear Yard:* Rear yard setback shall be seven feet.
 - (D) Off-street parking and driveway requirements:
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.
- (2) *Architectural Standards.*
 - (A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of

these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

(B) *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).

4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.

5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.

d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.

(D) *Design Criteria for Alterations and Additions to Contributing Structures.* Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:

1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

In the Grant Park Historic District, only changes that face a public street are reviewed by the Commission. As this is a corner lot, Staff will make comments on all street facing facades.

Site

According to the site plan submitted by the Applicant, this corner lot fronts 40.08' on Grant Park Place and has a depth of 104' on Grant Street. As this is a non-conforming lot, the maximum FAR (floor area ratio) shall not exceed the lesser of either: 3,750 sq. ft. 0.65 of the net lot area. The Applicant did not provide FAR calculations. Staff recommends the Applicant provide documentation the FAR requirement has been met. Per underlying zoning, the maximum lot coverage allowed is 55%. The Applicant did not provide lot coverage calculations. Staff recommends the Applicant provide documentation the lot coverage requirements have been met.

The Applicant is proposing a rear addition. Per regulations, the side and rear yard setbacks shall no less than 7'. Staff finds the side and rear yard setback requirements have been met. The Applicant is proposing to remove a concrete pad in the front yard. Staff has no concerns regarding the removal of the concrete pad. The Applicant is proposing to remove something in the rear yard, however it is not clear what is being removed. Staff recommends the Applicant clarify what will be removed in the rear yard. The Applicant is proposing to install a new driveway on the Grant Street elevation. As there is no parking allowed in the front yard, Staff recommends the proposed driveway is located no less than 20' past the Grant Street façade. The material details of the driveway are not indicated. Staff recommends the site plan indicate an appropriate driveway material that meets the regulations.

Renovations

In comparing the survey picture, to a survey picture taken in 2011, it is clear the house has been altered. Specifically, the porch has been enclosed and the window openings on the front façade have been altered.

The Applicant is proposing to remove the existing vinyl siding and replace it with cementitious siding. As the existing siding is not original or historic, Staff has no concerns regarding its removal. Staff recommends the new siding is indicated as smooth cementitious siding with a 4"-6" reveal. The Applicant is proposing to replace the existing 1 over 1 vinyl windows with 6 over 1 wood windows. As the existing windows are not original or historic, Staff has no concerns regarding the windows removal. Further, Staff has no concerns regarding the material or design of the new windows. Staff recommends all new windows are either true divided lite or simulated divided lite. The Applicant is proposing to a porch header and trim to the main roof. Staff has no concerns regarding these changes.

The Applicant is proposing to unenclosed the existing half width front porch. Staff has no concerns regarding un-enclosing the existing front porch. Further, Staff has no concerns regarding the installation of columns. The material of the gable is not clear. Staff recommends the Applicant clarify the new material for the gable. Staff recommends the material in the gable match the façade material. The material and size of the columns are not indicated on the plans. Staff recommends the size and material details of the front porch columns are indicated on the plans. The Applicant is proposing to install a new railing. Staff has concerns regarding the height, material and design of the proposed railing. Given the height of the foundation and the design of the existing house, Staff recommends the new porch railing either be eliminated or be a wood railing, no taller than 30" and have a two-part top and bottom rail with pickets that butt joint the top and bottom rail.

Addition

The Applicant is proposing a rear addition. There were no side elevations (Grant Street), therefore Staff cannot comment regarding the design of the rear addition. Staff recommends the Applicant provide elevations of the Grant Street façade. The Applicant is proposing to raise the height of the existing roof by 1'. Staff finds the historic roof height should remain. Other than a desire to have a taller interior ceiling height, raising the roof height does not appear to be a necessity. Staff recommends the height of the historic roof is retained.

Staff Recommendation: Based upon the following:

1) The plans meet the regulations with the exception of the comments noted above per Section 16-20K.007;

Staff recommends approval of the application for a Type III Certificate of (CA3-13-167) for renovations and an addition at **347 Grant Park Place**– Property is zoned R-5/Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall provide documentation the FAR requirement has been met, per Section 16-06A.008(5)(a);
2. The Applicant shall provide documentation the lot coverage requirements have been met, per Section 16-07.008(6);
3. The Applicant shall clarify what will be removed in the rear yard;
4. The proposed driveway shall located no less than 20' past the Grant Street façade, per Section 16-20K.007(1)(D)(2);

5. The site plan shall indicate an appropriate driveway material that meets the regulations, per Section 16-20K.007(2)(D);
6. The new siding shall be indicated as smooth cementitious siding with a 4"-6" reveal, per Section 16-20K.007(2)(B)(1);
7. All new windows shall be either true divided lite or simulated divided lite, per Section 16-20K.007(2)(D);
8. The Applicant shall clarify the new material for the gable, per Section 16-20K.007(2)(D);
9. The material in the gable shall match the façade material, per Section 16-20K.007(2)(D);
10. The size and material details of the front porch columns shall be indicated on the plans, per Section 16-20K.007(2)(D);
11. The new porch railing shall either be eliminated or be a wood railing, no taller than 30" and have a two-part top and bottom rail with pickets that butt joint the top and bottom rail, per Section 16-20K.007(2)(D);
12. The Applicant shall provide elevations of the Grant Street façade, per Section 16-20K.007(2)(D);
13. The height of the historic roof shall be retained, per Section 16-20K.007(2)(D); and
14. Staff shall review and if appropriate, approve the final plans.



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STAFF REPORT

July 10, 2013

Agenda Item: Review and Comment (RC-13-168) for site work at 1835 Henry Thomas Drive (Thomasville Park Recreation Center)-Property is zoned R-4.

Applicant: David Barclift
3524 Sunderland Way

Facts: This Thomasville Park Recreation Center is located in NPU Z in the Thomasville Heights neighborhood.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (7) The commission shall review the alteration, demolition, movement or construction of any structure, site or building which involves the use of capital expenditures by the City of Atlanta or capital expenditures by other public agencies or authorities which are required to submit plans for review by the city.

According to the Applicant, the proposed plaza project will provide ADA accessibility to the lower level of the recreation center and provide landscape and hardscape improvements. In looking at the site plan, the existing brick plaza is proposed for removal. In looking at pictures submitted by the Applicant, the existing brick plaza is in disrepair. As the existing plaza is in disrepair and exceeds ADA requirements, Staff does not have a concern with the removal of the existing plaza. In looking at the site plan, there is a lighter shaded area around the proposed plaza area. It is not clear what is proposed for this area. Staff suggests the Applicant clarify the proposal for the lighter shaded area around the proposed plaza.

As part of the proposal, an existing walkway that connects to the plaza will be removed and replaced with a new 8' wider curvilinear walkway will be installed to allow better accessibility to the proposed plaza. The use of pervious pavers will help to reduce any run-off issues on the site. As this is to allow for greater ADA accessibility, Staff has no concerns regarding the proposed walkway. Further, Staff finds the overall materials, design and location are appropriate.

The project includes the removal of two Bradford Pear trees. According to the Applicant, the existing trees pose a visibility and safety issue. Staff suggests the Applicant clarify how the trees pose a visibility and safety issue. In looking at the plans, it appears Oak trees will be planted in place of the Bradford Pear. If trees are being removed, Staff is in support of planting additional trees. Staff has no concerns with adding new trees to replace ones that will be removed.

Staff Recommendation: Staff recommends the Commission deliver its comments at the meeting.



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STAFF REPORT July 10, 2013

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-169) for a new single-family dwelling at **696 Oakland Avenue**– Property is zoned R-5/ Grant Park Historic District (Subarea 1).

Applicant: Bill Stephenson
1145 Alta Avenue

Facts: According to the Grant Park Inventory sheet this single family dwelling was built in 1928 and is considered contributing.

On May 8, 2013, the Commission approved with conditions an Application for a Type IV Certificate of Appropriateness (CA4H-13-069) for demolition of an existing single family residence due to a threat to health and safety at 696 Oakland Avenue, with the following conditions:

1. The Applicant shall submit documentation of the front façade to Staff before the building is demolished; and
2. The front façade submitted for new construction shall follow the existing façade as closely as possible.

Analysis: The following code sections apply to this application:
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (1) *General Criteria.*
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
 - a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.
 - b. Type II Certificates of Appropriateness shall be required for: minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks;

and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.

- c. Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures
 - 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
 - d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
- (3) *Subdivisions.* In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
 - (4) *Tree Preservation and Replacement.* The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.
 - (5) *Paved surfaces.* The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.

Section 16-20K.007. Specific Regulations - Residential Subarea I

- (1) *Development Controls.*
 - a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
 - c. *Rear Yard:* Rear yard setback shall be seven (7) feet.
 - d. *Off-street parking and driveway requirements:*
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.
- (2) *Architectural Standards.*
 - A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

- B. *Design Standards and Criteria for New Principal Structures.*
 - 1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
 - 2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.

3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front facade and a minimum of seven (7) feet in depth. Side porches shall be a minimum of four (4) feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
6. The height of the principal structure shall not exceed thirty-five (35) feet. (See section 16-28.022 for excluded portions of structures.)
7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two (2) entrance step risers each of which shall be no less than six (6) inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.
8. Garages entrances are prohibited on the front facade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
9. Decks, Balconies and Upper Level Terraces:
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
 - c. Balconies and upper level terraces shall be permitted.
10. Any portion of a chimney that is located on any facade that faces a public street shall originate at grade.
11. Any facades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15% and no greater than 40% of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed twenty-eight (28) square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed sixteen (16) square feet.
12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.
13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four (4) feet in height may be erected in a front yard. Fences not exceeding six (6) feet in height may be erected in a half-depth front yard. Other than retaining walls, walls shall not be erected in a front yard or half-depth front yard.
 - b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front facade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.

- e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
- f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.

Sec. 16-06B.008. Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

(5) Maximum floor area within this district:

- a. For a lot which meets the minimum lot area requirement described in section 16-06B.007(1): The maximum floor area ratio shall not exceed 0.75 total of the net lot area.
- b. For a lot which does not meet the minimum lot area requirement described in section 16-06B.007(1): The maximum floor area shall not exceed the lesser of either:
 - 1. 2,100 square feet of floor area: or
 - 2. A maximum floor area ratio of 0.90 of the net lot area.

(6) Maximum lot coverage: Maximum lot coverage within this district shall not exceed 85 percent of the net lot area.

Site Plan

The site plan submitted is not properly scaled and the frontage is not indicated. Staff recommends the Applicant submit a properly scaled site plan. In looking at the City of Atlanta cadastral map, the lot fronts 40' on Oakland Avenue and has a depth of 102.4' on its longest side. The front yard setback can be based on the compatibility rule or can match the front yard setback of the previously existing contributing structure of like use. As the Applicant is going to use the front yard setback of the existing house, Staff finds the front yard setback requirement has been met.

Per regulations, the side yard setbacks shall either be 7' or shall match the side yard setbacks of the previously existing contributing building of like use. The side yard setbacks are less than 7' and it is not clear whether the side yard setbacks match the setbacks of the existing house. Staff recommends the Applicant provide documentation the side yard setbacks meet the regulations. Per regulations, the rear yard setback shall be no less than 7'. Although the site plan is not properly scaled, the rear yard setback appears to be significantly more than 7'. Staff does not have concerns regarding the rear yard setback.

Per underlying zoning, the maximum lot coverage allowed is 55%. The lot coverage calculations are not indicated on the plans. Staff recommends the Applicant provide documentation the lot coverage requirement has been met. As this is a non-conforming lot, the maximum FAR (floor area ratio) shall not exceed the lesser of either: 3,750 sq. ft. 0.65 of the net lot area. Staff finds the FAR requirement has been met.

Per regulations, a walkway from the front of the house to the sidewalk is provided. As the Commission conditioned the approval of the demolition on having the new front façade match the original façade as closely as possible, Staff finds the walkway should actually go from the side of the porch to the existing driveway. As this is based on a condition approved by the Commission, no variance from the requirements is necessary. Staff recommends the site plan indicate a walkway that

leads from the side of the porch to the existing driveway. Staff recommends the material details of the walkway are indicated on the plans.

Design Massing and Building Height

The proposed 1 ½ story house is defined by a 7 in 12 gable roof and a hipped roof over a half width porch. Staff has concerns regarding the overall design as it is significantly different than the historic single-family dwelling that was demolished. As the Commission approved the demolition with the condition that the new front façade follow the historic structure as closely as possible, Staff finds portions of the design should be revised.

The historic house was defined by a hipped roof, with a nearly 2/3rd's width porch with a gable roof. Staff would also note the side cheek walls with side stairs that lead to the driveway. Staff recommends the front façade design is altered to be a hipped roof over the main house, a 2/3rd's width porch with a gable roof, side cheek walls with side stairs and tapered columns on a brick base.

Per regulations, the maximum height allowed is 35'. The Grant Park Historic district regulations do not specify how the height should be measured. As such, Staff finds the standard City measurement should be used. In looking at the front façade, Staff finds the proposed height is less than 35' and therefore the height requirement has been met. Staff finds the proposed massing is compatible with other similar houses.

Building Facades

The Commission reviews the facades that face a public street. This is an interior lot, therefore Staff will only comment on the façade that faces a public street.

Windows and Doors

A single front door is parallel and facing the Oakland Avenue as required. Staff finds the proposed door is appropriate to the style of the house.

The Applicant is proposing to install 1 over 1 double hung windows. The material of the windows is not indicated on the plans. Staff recommends all building materials are indicated on the plans. The Grant Park regulations allow for windows to either be compatible with the windows on contributing houses or are no less than 15% and no more than 40% of the wall surface. Staff finds the percentage requirements have been met. Additionally, Staff finds the design of the windows is similar to other windows in the district.

Building Materials

The proposed materials include 6"smooth cementitious siding, architectural composite shingles and masonry piers. Staff recommends the siding has a 4" to 6" reveal. The foundation material is not indicated on the plans. As previously stated, Staff recommends all building materials are indicated on the plans.

Porch

Per regulations, new porches shall have a depth on no less than 7'. The proposed porch depth is 8' and therefore meets the regulations. As previously mentioned, Staff recommends a 2/3rd's width porch with a gabled roof, tapered columns over brick piers and side cheek walls with side stairs.

Staff Recommendation: Based upon the following:

1) The plans meet the regulations with the exception of the comments noted above per Section 16-20K.007(2)(B).

Staff recommends approval of the application for a Type III Certificate of (CA3-13-169) for a new single-family dwelling at **696 Oakland Avenue**– Property is zoned R-5/ Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall submit a properly scaled site plan;
2. The Applicant shall provide documentation the lot coverage requirement has been met, per Section 16-06B.008(6);
3. The Applicant shall provide documentation the side yard setbacks meet the regulations, per Section 16-20K.007(1)(b);
4. The site plan indicate shall indicate a walkway that leads from the side of the porch to the existing driveway, per Commission conditions of approval for CA4H-13-069;
5. The front façade design shall altered to be a hipped roof over the main house, a 2/3rd's width porch with a gable roof, side cheek walls with side stairs and tapered columns on a brick base, per Commission conditions of approval for CA4H-13-069;
6. All building materials are indicated on the plans;
7. The siding shall no more than a 4" to 6" reveal, per Section 16-20K.007(2)(B)(1); and
8. Staff shall review, and if appropriate, approve the final plans.



KASIM REED
MAYOR

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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
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STAFF REPORT
July 10, 2013

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-13-170) for a replat and consolidation at **112 Krog Street and 690-702 Edgewood Avenue** – Property is zoned C-2/Inman Park Historic District (Subarea 3)/Beltline.

Applicant: Sharon Gay
303 Peachtree Center Avenue

Facts: The site sits on the east side of Krog Street and north of Edgewood Avenue. The property includes the existing Stove Works retail and office complex, the Stove Works surface parking lot and associated driveways / loading areas, a small non-contributing building along Edgewood Avenue, vacant parcels along Edgewood Avenue, and thin commercial building attached to the northern façade of the Stove Works retail and office complex. This thin, commercial building is not part of the proposed mixed-use project for the site. It is the Staff's understanding that this building is going to remain. On the entire block, only this building is considered contributing to the District.

While the existing buildings on the property generally align with the current property lines maintained by the City on the City's plat maps for the project site, the parking lot of the Stove Works complex overlaps those property lines. Further, the building immediately north and attached to the Stove Works complex is located on the larger parcel that contains most of the Stove Works complex.

The request for the lot consolidation would combine the lot that currently encompasses the Stove Works complex with all of the lots at the southern portion of the block near Edgewood Avenue. The replat request would then create another, thin parcel just for the building immediately north and attached to the Stove Works complex. This new parcel would not be a part of the consolidated parcel proposed for development.

The request for the lot consolidation and replat is related to a forthcoming proposal for a mixed-use development on the site. That proposal will retain all of the existing Stove Works buildings and then add a mixed-use building wrapping a parking deck on the site of the existing Stove Works parking lot. The small commercial buildings along Edgewood Avenue and the associated improvements (parking loading, etc.) will be demolished as part of the project.

The Staff had discussions with the development team prior to the submission of their application both to discuss the project itself, as well as the coordination of the Beltline Overlay Zoning and District reviews. The Staff also understands there have been discussions with the neighbors and neighborhood association regarding the project.

Analysis: The following code sections apply to this application:

Per Section 16-20L.005 of the Atlanta Land Development, as amended:

The following general regulations shall apply to all properties located within the Inman Park Historic District.

2. Certificates of Appropriateness.

d. Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:

- i. All new principal structures.
- ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a Certificate of Appropriateness in the Subarea regulations.
- i. Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint.
- ii. Subdivisions, consolidations, and replats as required per Section 16-20L.005(5).
- iii. Variances and special exceptions.

5. Subdivisions or consolidations.

- a. In Subarea I, the platting pattern of the Inman Park Historic District is an integral part of the historic character of the district. No subdivision or consolidation shall be approved unless it can be shown that the proposed subdivision or consolidation is substantially consistent with the historic character of the district. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions or consolidations of lots shall conform to the historic platting pattern in the Inman Park Historic District with regard to lot size, dimensions, and configurations. The compatibility rule shall apply, and no subdivision or consolidation shall be approved unless and until the urban design commission has made a finding that it is consistent with this provision or with the platting pattern of the neighborhood, as it existed in 1945.
- b. In Subarea II and III, no replat to create additional lots or consolidation shall be approved unless and until the commission has made a finding that the proposed replat or consolidation will result in lots that would allow for future development that would meet the district and subarea regulations without the need for variance or special exception. The commission may make such a finding independent of or concurrently with the review of proposed new construction, alterations, or additions on those same lots.

The site in question has had minimal substantive change in the buildings or improvements for many years. While none of the Stove Works buildings are considered contributing due to extensive alterations and renovations, portions of the Stove Works buildings and structures on the site are from the historic time period of the District. As is the case periodically for non-residential properties, the property configuration maintained by the City on its official plat maps does not match the property configuration either on file with Fulton County or what is understood to be the property configuration by the former and current property owners given previous deed transactions, property transfers, current surveys, etc. Further, as noted above, some of the existing improvements on the site do not follow the property lines.

The proposed consolidation would not change other overall boundary of the project site as it has been currently discussed. The proposed consolidation would add several smaller parcels in the southern portion of the site near Edgewood Avenue. The lot consolidation would essentially combine the properties that have been considered for the proposed project for some time.

The proposed replat, which would create from the consolidated parcels an outlier parcel for the building just to the north and attached to the Stove Works complex, would allow for this outlier building to retain development options in the future by formally separating it from the Stove Works complex and newly consolidated parcel. The final replat would then leave three parcels on the block: the large Stove Works

complex parcel covering the southern two-thirds of the block; the small, thin outlier parcel for the outlier building just to the north and attached to the Stove Works complex; and a larger, generally square parcel along Lake Avenue. This Lake Avenue parcel is not part of the proposed consolidation, replat, or eventual mixed-use project.

The Staff understands that there are potential variances associated with the proposed mixed-use project. However, it also finds that these potential variances (potentially the reduction in required open space and increase in building height), given the circumstances of the property noted above, are not related to the overall property configuration and thus not related to the lot consolidation and replat. These variance requests would not be affected positively or negatively by the lot consolidation.

Further, the Staff finds that the proposed lot consolidation and subsequent replat, would not on the balance make it more or less likely that a future development could meet the district and subarea regulations for several reasons. First, the vast majority of the site has been considered one project (the Stove Works) in the past and developed in a unified manner. The size of the existing and retained development would potentially reduce the flexibility on the site. Second, and in contrast, multiple properties would become one, new project site potentially increasing flexibility for the arrangement of buildings and uses on the undeveloped portion of the consolidated parcel. The existing smaller lots near Edgewood Avenue present more difficult development scenarios, given the development and parking requirements of Subarea 3 of the District. Third, the lot consolidation would make the potential project site larger than the existing Stove Works parcel. This increase size, along few parcels, also potentially increased flexibility. Thus, the consolidation and subsequent replat could affect different proposed projects in different ways, depending on the specific proposal put forth.

The Staff would note that the proposed mixed-use complex would be similar to other existing mixed-use complexes in Subarea 3 of the District.

The Staff would add that the Applicant must still complete the standard City of Atlanta / Office of Planning lot consolidation and replat process which applies to all properties in the City of Atlanta whether or not they are in a Historic or Landmark District. In particular, the creation of the parcel that will contain the commercial building just to the north and attached to the Stove Works complex will have to meet all of the City's land development, building code, and parcel configuration requirements to allow for such an arrangement to occur.

Staff Recommendation: Based on the following:

1) The proposed lot consolidation meets the requirements of the District, per Section 16-12L.005(5).

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-13-170) for a replat and consolidation at **112 Krog Street and 690-702 Edgewood Avenue**, with the following condition:

1. The Staff shall review, and if appropriate approve, the final lot consolidation and replat documents.



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT July 10, 2013

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-171) for a new single-family dwelling at **638 Eloise Street**– Property is zoned R-4B/ Grant Park Historic District (Subarea 1).

Applicant: Jeffrey Lee Powers
205 McLarty Road, Whiteburg

Facts: According to the Grant Park Inventory sheet this is currently a vacant lot. In 2005, an application for a Type III Certificate of Appropriateness (HD-05-502) to allow for the construction of a single family house at 638 Eloise St. was approved with conditions. Staff would note that at the time, this block of Eloise was vacant and the Applicant at the time was proposing six new houses. The approved house for this lot was never built. The new proposed house has a different site plans and elevations in comparison to what was originally approved. Further, the regulations for the underlying zoning have changed. As such, a new review by the Urban Design Commission is required.

Analysis: The following code sections apply to this application:
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (1) *General Criteria.*
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
 - a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.
 - b. Type II Certificates of Appropriateness shall be required for: minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals

section of Chapter 16-20.008(a) for Type I Certificates.

- c. Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures
 - 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
 - d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
- (3) *Subdivisions.* In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
 - (4) *Tree Preservation and Replacement.* The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.
 - (5) *Paved surfaces.* The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.

Section 16-20K.007. Specific Regulations - Residential Subarea I

- (1) *Development Controls.*
 - a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
 - c. *Rear Yard:* Rear yard setback shall be seven (7) feet.
 - d. *Off-street parking and driveway requirements:*
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.
- (2) *Architectural Standards.*
 - A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

- B. *Design Standards and Criteria for New Principal Structures.*
 - 1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
 - 2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
 - 3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front facade and a minimum of seven (7) feet in depth. Side porches shall be a minimum of four (4) feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.

4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
6. The height of the principal structure shall not exceed thirty-five (35) feet. (See section 16-28.022 for excluded portions of structures.)
7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two (2) entrance step risers each of which shall be no less than six (6) inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.
8. Garages entrances are prohibited on the front facade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
9. Decks, Balconies and Upper Level Terraces:
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
 - c. Balconies and upper level terraces shall be permitted.
10. Any portion of a chimney that is located on any facade that faces a public street shall originate at grade.
11. Any facades that face a public street shall consist of fenestration that is either: 1)substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15% and no greater than 40% of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed twenty-eight (28) square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed sixteen (16) square feet.
12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.
13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four (4) feet in height may be erected in a front yard. Fences not exceeding six (6) feet in height may be erected in a half-depth front yard. Other than retaining walls, walls shall not be erected in a front yard or half-depth front yard.
 - b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front facade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
 - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
 - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.

Sec. 16-06B.008. Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

(5) *Maximum floor area within this district:*

- a. For a lot which meets the minimum lot area requirement described in section 16-06B.007(1): The maximum floor area ratio shall not exceed 0.75 total of the net lot area.
- b. For a lot which does not meet the minimum lot area requirement described in section 16-06B.007(1): The maximum floor area shall not exceed the lesser of either:
 1. 2,100 square feet of floor area: or
 2. A maximum floor area ratio of 0.90 of the net lot area.

(6) *Maximum lot coverage:* Maximum lot coverage within this district shall not exceed 85 percent of the net lot area.

Site Plan

The subject lot has a frontage of 58.08' on the east side of Eloise and a depth of 83.55' on its longest side. The front yard setback is based on the compatibility rule. As this a vacant block, 726, 732 and 736 Eloise Street were used to establish the front yard setback in the previously approved case. The allowed front yard setbacks are 23'-30' as measured to the porch. The proposed front yard setback is 25' and therefore meets the front yard setback requirements.

Per regulations, the side and rear yard setbacks should be no less than 7'. Staff finds the side and rear yard setbacks are no less than 7' and therefore meet the setback requirements. Per underlying R-4B zoning, the maximum lot coverage allowed is 85%. The lot coverage calculations are not indicated on the plans. Staff recommends the Applicant provide documentation the lot coverage requirement has been met.

Per underlying R-4B zoning, the maximum floor area ratio (FAR) allowed is .75. The lot is not perfectly square, therefore Staff averaged the front and rear and the sides to get the lot area. Staff finds there is a more accurate way to measure the lot area, however given the tools we have at this time, Staff finds the lot area is approximately 3578 sq. ft. As the Applicant is proposing 3631 sq. ft., Staff finds the FAR requirement has not been met. Staff recommends the project meet the FAR requirement.

Per regulations, a walkway from the front of the house to the sidewalk is provided. The material of the walkway is not indicated, Staff recommends the plans indicate an appropriate material for the walkway be indicated on the plans. Per regulations, driveways shall be a maximum of 10' wide. The proposed concrete driveway is 10' wide, therefore the regulations have been met. Staff has no concerns regarding the material of the driveway.

Massing and Building Height

The proposed two story house is defined by an 8 in 12 hipped roof and a full width first floor porch. Per regulations, the maximum height allowed is 35'. The Grant Park Historic district regulations do not specify how the height should be measured. As such, Staff finds the standard City measurement should be used. In looking at the front façade, Staff finds the proposed height is less than 35' and therefore the height requirement has been met. Given that this block is mostly vacant, Staff does not

have concerns regarding the overall massing and height. Staff would note that the proposed house has a similar height and massing as the other two new houses on the block face.

Building Facades

The Commission reviews the facades that face a public street. This is an interior lot, therefore Staff will only comment on the façade that faces a public street.

Windows and Doors

A single front door is parallel and facing the Grant Terrace as required. Staff finds the proposed door is appropriate to the style of the house.

The Applicant is proposing to install decorative double hung windows on the front façade. The details of the windows are not indicated on the plans. Staff suggests the windows are wood and either simulated divided lite or true divided lite in the upper portions. The Grant Park regulations allow for windows to either be compatible with the windows on contributing houses or are no less than 15% and no more than 40% of the wall surface. Staff finds the design of the windows is compatible with other similar houses in the district, therefore Staff finds the fenestration requirement has been met.

Building Materials

The proposed materials include smooth cementitious siding with a 6" reveal, stone foundation, column bases, steps and chimney and wood columns. Staff finds all materials indicated on the plans are appropriate. The window, door and roofing materials are not indicated on the plans. Staff recommends materials are indicated on the plans.

Porch

The proposed full width porch has a depth of 8'. As the minimum depth of porches is 7', Staff finds the porch meets the depth requirement. The porch features columns and railings that are compatible with other similar porches in the district. Staff finds the overall decorative details of the proposed front porch are consistent and compatible with the house style. Given the height of the foundation, Staff finds it likely a railing to meet code is not required. As such, Staff suggests the railing be no taller than 30" and have a two-part top and bottom rail with pickets that butt joint the top and bottom rail.

Staff Recommendation: Based upon the following:

1) The plans meet the regulations with the exception of the comments noted above per Section 16-20K.007(2)(B).

Staff recommends approval of the application for a Type III Certificate of (CA3-13-171) for a new single-family dwelling at **638 Eloise Street**– Property is zoned R-4B/ Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall provide documentation the lot coverage requirement has been met, per Section 16-06B.008(6);
2. The project shall meet the FAR requirement, per Section 16-06B.008(6);
3. All materials shall be indicated on the plans, per Section 16-20K.007(2)(B)(15)(a); and
4. Staff shall review, and if appropriate, approve the final plans.



KASIM REED
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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
July 10, 2013

Agenda Item: Review and comment (RC-13-172) for renovations and additions at **101 Auburn Avenue (Auburn Avenue Research Library)** - Property is zoned SPI-1, SA1 (Special Public Interest District 1, Subarea 1) / Martin Luther King, Jr. Landmark District (Subarea 6).

Applicant: Stanley Jenkins
1020 Ralph D. Abernathy Boulevard

Facts: The Auburn Avenue Research Library is located at the southeast corner of Auburn Avenue and Courtland Street. It is located in Subarea 6 of the City of Atlanta-designated Martin Luther King, Jr. Landmark District, and as such it is subject to the Review and Comment before the Commission.

The existing building was completed in 1994 and generally consists of a contemporary brick mass, curtain wall windows, and minimal ornamentation or detailing. There is a large, recessed entry plaza facing Auburn Avenue. The building is oriented towards Auburn Avenue, with the loading, service, and a small parking lot located south of the building. The building is built to the right of way on both Auburn Avenue and Courtland Street. Courtland Street is a one-way street going south.

Immediately to the east of the library is a surface parking lot and to the east of that are several one / two story buildings that are contributing to the District. To the south is a one-story, altered historic building. Across Auburn Avenue from the library is the contemporary Atlanta Life Corporation headquarters (now owned by Georgia State University) and across Courtland Street is a contemporary office building, which houses the Atlanta Regional Commission.

The proposal includes:

1. renovations to the entry area facing Auburn Avenue, including the installation of metal panels and a marquee sign;
2. adding metal, accent panels to selected locations on the building;
3. construction of roof-top equipment and screening areas;
4. construction of an addition at the southeast corner of the building to accommodate a new auditorium;

5. adding handicapped access at the rear of the building for the auditorium;
6. adding a mechanical yard just east of the new addition;
7. renovating the streetscape along Courtland Street; and
8. reconfiguring the existing parking lot.

Extensive interior renovations will be occurring, but those are not reviewed by the Commission.

Analysis: The following code sections apply to this application:

Sec. 16-20C.009. Transitional Zone Subarea 6.

- (1) In accordance with section 16-20.004(b) of this part, the requirements of sector HC20C Martin Luther King, Jr. Landmark District for those properties identified on the attached map as being within the Transitional Zone (Subarea 6) shall serve to modify the requirements, regulations and procedures applying in the existing zoning districts or districts hereinafter created.

Properties identified as being within the Transitional Zone (Subarea 6) shall remain zoned in whichever district they are designated at the time of adoption of this chapter by action of the city council.

The existing district regulations as they now exist, or as they may be subsequently changed, are hereby modified so as to provide the following additional regulation for properties in this subarea.

- a. Any application for building permits, zoning amendments, special use permits, special exceptions and variances within Transitional Zone (Subarea 6) of sector HC20C, Martin Luther King, Jr. Landmark District, shall be submitted to the AUDC for review and report prior to any final action on such application.
- b. General advertising signs shall not be permitted in the Transitional Zone (Subarea 6).
- (2) These regulations are intended to control the potential for adverse impact resulting from redevelopment in the periphery of the Landmark District. To this end the AUDC shall undertake a design review of all new construction and such other actions as are outlined in paragraph (1) above.

Per Section 20.009 of the Atlanta Land Development Code, as amended:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

Generally speaking, the Staff concurs with all of the renovations to the existing building, the placement and design of the addition, and improvements to the streetscape, parking lot, and access. The proposal builds on the distinctive architecture of the library without overwhelming it. Further, the proposal

maintains the contemporary library's relationship to the surrounding historic context in the District. The roof-top equipment and screening will have a nominal effect (if any) on the perceived height or massing of the building from the street or surrounding locations given that a portion of the building will still be taller than these changes. The proposed addition in the southeast corner of the building will essentially "extent" the existing footprint of the building at a lower height allowing the new building form to still be perceived as one mass.

The addition of the front entrance and rear handicapped ramps will expand access to the building in a sensitive manner. The mechanical yard will be located in the least visible location possible and will be well screened from both Auburn Avenue and Courtland Street. The proposed parking lot improvements (proper stripping, tree islands, and landscaping) will make the parking lot more efficient but also make it more compliant with the City's current parking lot design standards.

At the same time, the Staff would make several recommendations regarding the proposed design. First, the Staff would recommend that the color, finish, and texture of the metal panel systems be chosen with sensitivity to the existing red, brick surface of the building. The Staff is concerned that the large expanse of metal panels on several locations on the building, particularly what appears to be more opaque panels on the south elevation, will compete too strongly with the brick exterior of the building. At the same time, the Staff would also recommend that a variation of the metal panels be used as the "strip" accent on the south and east façade of the addition instead of an inset row of bricks. The Staff finds that this approach could help further unify all four elevations of the building.

Second, the proposed public art installation on the west-facing wall of the front entry area and the marquee sign on the east-facing side of that same wall need to be carefully coordinated to allow each element to serve its purpose and at the same time avoid confusion as to the intent of the element. Also related to signage, the Staff would recommend some type of signage facing west / north at the corner of Auburn Avenue and Courtland Street to announce the library presence for those who are not approaching from the east.

Third, regarding the proposed streetscape work, the Staff has several recommendations. Either some of the existing bike rack loops should be moved to the front entry plaza or new ones should be added in that location to increase the convenience to the bicyclist and safety of the bikes. Given the extent of the work along Courtland Street, the existing tree pits should be expanded north and south to allow for a greater growing area for the existing trees.

Staff Recommendation: Staff recommends that the Commission send a letter with its comments to the Applicant regarding Review and comment (RC-13-172) for renovations and additions at **101 Auburn Avenue (Auburn Avenue Research Library)**.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT **July 10, 2013**

Agenda Item: Review and Comment (RC-13-176) on the expansion of an existing parking area at **100 Bagley Street aka 465 Pharr Road (Frankie Allen Park)** – Property is zoned SPI-9, SA 3.

Applicant: Patricia Katz, Office of Parks Design
233 Peachtree Street

Facts: Frankie Allen Park consists of a variety of facilities. The proposed parking lot expansion is located just off of Pharr Road, in the northeast corner of the park. To the south and closest to the proposed parking lot expansion is an existing parking lot, a baseball diamond, and pitching cage. To the east and west of the parking lot expansion area are two parcels that are not owned by the City of Atlanta and are not part of the park. Both of these parcels have buildings on them.

The proposed expansion will generally take place where informal parking has been occurring on the site of the former Fulton County Health Center. The proposed expansion, which will create 16 parking spaces and a turnaround area, will incorporate an existing curb cut and one-way driveway off of Pharr Road and internally connect to the existing parking lot. Bio-retention features will be located to the north and east of the paved area.

Analysis: The following code section applies to this application:

Per Section 6-4043 of the Atlanta City Code:

- (4) The commission shall review the proposed location and design of any proposed park and any plan or proposal for the relocation or significant change, alteration or addition to any existing park.

The Staff appreciates the use of alternative retention and water quality facilities to off-set the increase in impervious surface introduced by the parking lot expansion. Further, the incorporation of internal walkways to allow access to the baseball field and will reduce pedestrians having to walk in the drive aisle.

The Staff would have a couple of recommendations, though. First, it is not clear how or if any signage will be incorporated into the Pharr Road entrance. The Staff knows that there is a large, standard City of Atlanta park sign farther west on Pharr Road at the main entrance to the park. With a second vehicle entrance being established, a smaller park sign (maybe noting “additional parking”) might be helpful to avoid confusion for people looking for access to the park.

Second, the Staff would recommend additional landscaping along the north edge of the parking lot to reduce the visibility along Pharr Road of the vehicles in the parking lot.

Third, the Staff would recommend that the internal walkway be extended to the public sidewalk along Pharr Road to allow direct pedestrian access to this portion of the park without having to walk in the driveway.

Fourth, the Staff would recommend that the two curb cuts along Pharr Road (to the east of the one-way drive) that will no longer be used be replaced with standard sidewalk sections to improve the streetscape along Pharr Road.

Staff Recommendation: Staff recommends that the Commission confirm that it has delivered its comments at the Commission meeting on Review and Comment (RC-13-176) on the expansion of an existing parking area at **100 Bagley Street aka 465 Pharr Road (Frankie Allen Park)**.



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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT

April 24, 2013

REVISED

June 12, 2103

(Revised text shown in italic.)

REVISED

July 24, 2013

(Revised text shown in Arial font.)

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-090) to consolidate two lots into one lot, (CA3-13-086) for a variance to reduce the number of on-site parking spaces from 47 (required) to 20 (proposed); to reduce the distance between a dumpster and an adjoining residential property line from 30 ft (required) to 20 ft. (proposed); and to plant street trees with a planting size and mature size other the permitted by the District regulations and (CA3-13-085) for renovations, additions, new construction, and site work at **652 (aka 658) - 662 Memorial Dr.** - Property is zoned Cabbagetown Landmark District (Subarea 5)/Beltline.

Applicant: Ron Fisher
174 Carroll Street

Facts: The proposed project sits on two lots on the northwest corner of Memorial Drive and Powell Street in the southern portion of the District in Subarea 5. Across Powell Street to the east is a commercial property, also located in Subarea 5. To the south is Grant Park. To the west are two-story buildings associated with the church, which is at the northeast corner of Memorial Drive and Berean Avenue. To the north of the project are single family houses which are located in Subarea 3 of the District. The northern edge of the project is the Subarea 5 / 3 boundary.

The lot has two street frontages and is generally flat, though Powell Street drops away from Memorial Drive along the eastern side of the property. Except for a small, one-story, non-contributing building at the southeast corner of the property, the property is vacant, with sections of paved area, various fences, and some retaining walls.

The Applicant has presented their project as a two-phase project. Phase I would include minimal renovation to the existing non-contributing building and improvements to the dumpster access and screening. Phase II of the project would include the construction of a new, two-story commercial

building, expansion and improvement of the parking area, relocation of the dumpster, and access to the parking area by a new curb cut on Memorial Drive, and from the west through the church property. Both the existing, renovated non-contributing building and the new building would be commercial. No residential units are proposed in either phase of the project.

At the April 24, 2013 Commission meeting, the Commission deferred the application to allow time of the applicant to address the concerns noted in the Staff Report. On June 6, 2013, the Applicant submitted a revised design, as well as additional supporting documentation. The revised design and the additional supporting documentation is addressed in this revised Staff Report.

At the May 8th, 22nd, and June 12th Commission meetings, the Commission deferred the application at the Applicant's request to allow time for the Applicant to address the concerns noted in the Staff Report. On July 15, 2013, the Applicant submitted a revised design, as well as additional narrative about the proposed project. The revised design and the additional narrative are addressed in this revised Staff Report. In particular the Applicant has requested the withdrawal of the on-site parking space variance request and elimination of "Phase II" of the project. No additional materials were submitted regarding the lot consolidation application.

Analysis: The following code sections apply to this application:

Per Section 16-20A.005 (Certificates of Appropriateness) of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the Cabbagetown Landmark District.

Certificates of Appropriateness within this district shall be required as follows:

(1) When required:

- b) To erect a new structure or to make an addition to any structure within the district;
- d) To construct off-street or off-site parking;

Per Section 16-20A.006 (General Regulations) of the Atlanta Land Development Code, as amended, the following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (6) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (7) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular

case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.

- (12) **Aggregation of lots.** No lots shall be aggregated except upon approval of the commission. Applications shall be made to the commission, and the commission shall not approve any aggregation of lots unless the commission shall make a finding that the resulting lot or lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The commission shall further find that the resulting lot or lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, block, subarea, and the district as a whole, may be reasonably situated and constructed upon such lot or lots. The compatibility rule shall apply.

- (13) **Design standards and criteria for new principal buildings.** The following regulations shall apply to new construction of principal buildings.

a) General criteria:

1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
2. The general façade organization and proportions shall be subject to the compatibility rule.
3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.

All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.

4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.

b) Facades:

1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.

c) Roofs:

1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
4. Boxed gable returns are not permitted.
5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.

d) Dormers: When permitted, dormers shall be subject to design review by the commission and shall meet the following requirements:

1. Shall be gable or shed design as appropriate to the architectural style of the building and shall maintain the siding, roof materials, and trim consistent with the main portion of the building.

2. Shall not engage the ridgeline of the main roof structure.
3. The front edge of the dormer shall not interrupt the primary fascia or soffit line.
4. Shall not occupy less than 15 percent nor more than 35 percent of the total surface area of the roof plane on which it is constructed.

e) *Porches:*

1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.
- 5.

f) *Site development, sidewalks and curbs:*

1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
3. Curbing shall be granite; poured concrete shall not be used.
4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.

(15) Alterations and additions to non-contributing buildings. Alterations and additions to non-contributing buildings shall comply with one of the following:

- a) Alterations and additions shall be consistent with the architectural style of the existing building and the height or width of any alteration or addition shall not exceed the height or width of the existing building, or:
- b) Alterations and additions shall be representative of a single architectural style chosen from those represented by contributing buildings on the block face where the existing non-contributing building is located, shall comply, as applicable, with Design Standards and Criteria for New Principal Buildings, section 16-20A.006(13), and the height or width of any alteration or addition shall not exceed the height or width of the existing building.

(19) Off-street and off-site parking.

- a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
- b) The number of required parking spaces is set out in each subarea.
- c) Variances may be allowed from this requirement subject to the standard procedures and requirements for a variance found in these regulations.
- d) Off-street parking shall not be located or authorized between the principal building and the street.
- e) Off-street parking may be located in a rear or side yard.
- f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.
- i) Off-street or off-site parking shall include landscape buffer strips placed along sidewalks and public rights of way. Landscape buffer strips shall be: a minimum of three feet in width, planted with a mixture of evergreen groundcover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches; and planted with canopy street trees that are a minimum of 3.5 inch caliper measured 36 inches above ground and a minimum of 12 feet in height at time of planting placed no further than 25 feet on center. All landscape buffer strips shall be maintained in a sightly manner.
- j) Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.
- k) Use of shared driveways and/or alleys is encouraged.
- l) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

Sec. 16-20A.011. Transitional Commercial (subarea 5).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the subarea. These regulations are intended to mitigate any noxious effects that the commercial intrusion subarea may have on adjoining residential uses within the remainder of the Cabbagetown Landmark District. These regulations further intend to maintain compatibility between the existing and future uses of the area and the overall character of the district as a whole.

(1) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:

- a) A building or premises shall be used for the principal uses specified within section 16-16.003 of this part, with the exception of paragraph (1) allowing adult business and paragraph (17) allowing signs, general advertising.
- b) Multifamily dwelling units. Multifamily dwellings are permissible if a minimum of 25 percent of the total heated floor area of each building is constructed and used for non-residential uses as allowed in Section 16-20A.011(1), (2) or (3).
- c) Any of the following uses provided they do not exceed 4,000 square feet of floor area:
 - 1. Bakeries and catering establishments.
 - 2. Laundry and dry cleaning establishments where customers operate equipment.
 - 3. Tailoring, custom dressmaking, millinery and similar establishments.
 - 4. Restaurants, bars, coffee shops, delicatessens, and taverns.
 - 5. Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops.
 - 6. Barber shops, beauty shops, manicure shops, and similar personal service establishments.
- d) Any of the following uses provided that they do not exceed 10,000 square feet of floor area:
 - 1. Clubs and lodges.
 - 2. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.
 - 3. Offices, studios, clinics (including veterinary if animals are kept within soundproof buildings), laboratories, and similar use.
 - 4. Professional or service establishments.

Drive-thru and drive-in services, windows, and facilities are prohibited. Hiring halls are prohibited. Blood donor stations are prohibited. No wholesaling or jobbing shall be conducted from within the Cabbagetown Landmark District. No use or manner of operation shall be permitted that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the character of this subarea and its relationship to adjoining residential subareas.

(5) Site limitations.

- a) Minimum building façade heights: Buildings shall have a minimum façade height of 18 feet along each façade visible from any public right of way.
- b) Maximum building heights: Buildings that are between 0 and 50 feet of a Subarea 3 boundary shall have a maximum height of 28 feet. Buildings that are within 51 and 150 feet of a Subarea 3 boundary shall have a maximum height of 35 feet. Buildings that are more than 150 feet from Subarea 3 boundary shall have a maximum height of 52 feet. Mezzanines and lofts shall be considered a story.
- c) New development containing an entire block face greater than 600 feet in length shall be traversed by new streets that create block faces no larger than 400 feet. Such streets shall function as public streets, shall connect two other public streets, and shall meet all other requirements of this chapter.
- d) Transitional requirements:
 - 1. Transitional height planes: Where this district adjoins Subarea 3 without an intervening street, heights within this district shall be limited as follows: No portion of any structure shall protrude through a height limiting plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the nonresidential district at an angle of 45 degrees.
 - 2. Transitional uses: Where commercial or industrial uses in this subarea abut residential uses, 100 feet of the lot devoted to such commercial or industrial use and nearest to the residential use, shall not be used for any drive-in facility, sales lot for automobiles, or general advertising signs.
 - 3. Transitional yards:
 - a. Side yards: Adjacent to residential use without an intervening street, 20 feet is required, that shall not be used for parking, paving or loading or servicing. For a side yard adjacent to a side street, half the required front set-back shall be provided.
 - b. Rear yard: There shall be a rear yard of 20 feet when adjacent to a residential use district that shall not be used for parking, paving or loading or servicing.
 - c. Screening: Where a lot in this subarea abuts a residential use on the rear lot line without an intervening street, landscaping, opaque fencing or screening not less than six (6) feet in height shall be provided and maintained in sightly condition (see section 16-28.008).

- (6) Lot coverage. The lot coverage shall not exceed 80%.
- (7) Relationship of Buildings to Street.
 - a) The delineation of building floors at the second story above sidewalk level shall be executed through windows, belt course, cornice lines, or similar architectural detailing.
 - b) The primary pedestrian entrance to all uses and business establishments with sidewalk-level street frontage shall:
 - 1. Face and be visible from the street.
 - 2. Face and be visible to an arterial street when located adjacent to such arterial streets.
 - 3. Be directly accessible, visible, and adjacent to the sidewalk, supplemental zone, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.
 - 4. Remain unlocked during normal business hours for nonresidential uses.
 - c) Buildings shall provide continuous street-fronting sidewalk level commercial, office, or residential uses.
 - d) Building façade lines:
 - 1. On arterial streets: Shall be no less than 20 feet and no more than 30 feet from the street curb, with the exception of the provision for public parks and plazas and the provision of on-street parking.
 - 2. On all other streets: Shall be no less than 15 feet and no more than 30 feet from the street curb, with the exception of the provision for public parks and plazas.
 - e) A street address number shall be located above the principal building entrance, shall be clearly visible from the sidewalk, and shall be a minimum of six inches in height.
- (8) Storefront Fenestration. All street-fronting sidewalk level development, with the exception of churches and fire stations, shall provide fenestration for a minimum of 75 percent of the length of the frontage, beginning at a point not more than three feet above the public sidewalk, for a height no less than ten feet above the sidewalk. Fenestration for commercial uses shall allow views into the interior or display windows and shall not have painted glass, reflective glass, or other similarly treated fenestration.
 - a) Variances in fenestration requirements may be approved by the AUDC.
 - b) Sidewalk level development without fenestration shall not exceed a maximum length of ten feet of façade.
- (9) Storefront illumination and lighting.
 - a) Security, decorative, parking deck, and other lighting adjacent to residential uses shall minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree illumination. The AUDC may also require other elements to reduce light spillage.
 - b) Any security, decorative, parking deck, or other lighting luminaries shall be located a minimum height of eight feet above the sidewalk, drive or pedestrian area.
- (10) Loading areas, loading dock entrances and building mechanical and accessory features.
 - a) Commercial dumpsters and loading areas may not be located within thirty (30) feet of an adjoining residential subarea boundary, and shall be screened with opaque fences or walls six feet in height.
 - b) Residential dumpsters and loading areas shall be encircled with opaque fences or walls six feet in height. Walls may be smooth finish stucco or same material as the building.
 - c) Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from any public right of way.
 - d) Building mechanical and accessory features shall be located to the side and rear of the principal building and shall be in the least visible location from the public right of way. Screening with appropriate plant and/or fence materials shall be required if the equipment is visible from the public right of way.
 - e) When located on rooftops, building mechanical and accessory features shall be incorporated in the design of the building and screened with materials similar to the building.
 - f) Building mechanical and accessory features shall not be permitted between the principal building and any public street.
- (11) Fences and Walls.
 - a) Chain link fencing or similar elements shall not be visible from any public plaza, outdoor dining area, or public right of way. Chain link, where permitted, shall be clad in either black or dark green coating. Canopies and associated service areas shall not be located between a building and the street.
 - b) Fences and walls that are not located between the principal building and the sidewalk shall have a maximum height of six feet.
 - c) No fences are permitted between the principal building and the sidewalk.
 - d) No walls, except retaining walls, shall be located between a building and the sidewalk.
 - e) Walls shall be faced with stone, brick, or smooth stucco.
 - f) The AUDC may by variance permit retaining walls that are greater than two feet in height between the building façade line and the street.

(12) Sidewalks.

- a) Sidewalks along Tye, Powell, Estoria, Pearl and Gaskill streets shall be regulated as set out in Subarea 3.
- b) Public sidewalks shall be located along all public streets. For new development, no sidewalk shall be less than 15 feet in width, unless otherwise indicated in this section. Sidewalks shall consist of a minimum of two zones: a "street furniture and tree-planting zone," which shall be located adjacent to the curb, and a "clear zone." The following regulations shall apply to all public sidewalks adjacent to Memorial Drive within Subarea 5 of the Cabbagetown Landmark District:
 1. The street furniture and tree-planting zone shall have a minimum width of five feet. The street furniture and tree-planting zone shall be located adjacent to the curb and shall be continuous. In addition to the planting of trees as required in this section, this zone is also intended for the placement of street furniture as approved by the AUDC including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public kiosks, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility as approved by the city.
 2. The clear zone shall be a minimum width of ten feet, shall be hardscape and located adjacent to the street furniture and tree-planting zone, and shall be unobstructed by any permanent or nonpermanent element for a minimum width of ten feet and a minimum height of eight feet.
 3. Street tree-planting requirements. Street trees are required and shall be planted in the ground a maximum of 25 feet on center within the street furniture and tree-planting zone and spaced equal distance between street lights. All newly planted trees shall be a minimum of 3.5 inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall also have a minimum planting area of 25 square feet. Where sidewalks meet the minimum requirements for this section, planting areas shall be permitted to be planted with evergreen ground cover such as mondo, liriope spicata, or ivy. All plantings, planting replacement, and planting removal shall be approved by the city arborist. Variances in street tree requirements may be granted by the AUDC subject to constraints such as overhead or underground utilities.
 4. No awning or canopy shall encroach more than a maximum of five (5) feet over the sidewalk.
 5. Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade pursuant to Sec. 16.28.008, Visibility at Intersections.
 6. Pedestrian street lights shall be placed a maximum distance of 40 feet on center, spaced equal distance between required trees along all streets within either the street furniture and tree-planting zone or the supplemental zone.
 7. Sidewalks in this subarea within 20 feet of subarea 3 shall taper when necessary to provide a smooth transition to the existing sidewalk in an adjacent subarea. In the event that the abutting subarea has no existing sidewalk, the sidewalk shall taper to the width required by that subarea's regulations, a width of six feet (measured from the street curb), or as approved by the AUDC.
 8. Every effort shall be made to place utilities underground or to the rear of structures to allow for the unobstructed use of the sidewalks.
 9. Trash receptacles, where installed, shall be the Victor Stanley Model S-42 or similar looking standard trash receptacle and shall be placed within the street furniture and tree-planting zone.

(13) Supplemental Zones.

- a) Any area between the street-fronting building façade line and the required clear zone is a supplemental zone. Supplemental zones:
 1. Shall be permitted between the required sidewalk and the building façade.
 2. Shall be required along arterial streets at a minimum width of five feet, unless on-street parking is provided where there currently is none.
 3. Shall not exceed a maximum width of 15 feet.
 4. Shall be hardscaped.
- b) The following elements may be located within the supplemental zone so long as any proposed element is approved by the AUDC:
 1. Accessory outdoor dining that may be separated from the sidewalk only with planters, shrubs, or fencing which shall have a maximum height of 36 inches.
 2. Balconies, pedestrian walkways, porches, ramps for accessibility, and stoops.
 3. Terraces shall have a maximum finished floor height of 24 inches above the sidewalk elevation and shall be surrounded by permanent safety fencing with a maximum height of 42 inches. See subsection 16-29.001(25)b.
 4. Landscaping and water features.
 5. Lighting.

- (14) Curb cuts and parking structures.
 - a) All sidewalk-paving and curbing materials shall be continued across any intervening driveway.
 - b) Driveways shall have a five-foot-wide band of textured concrete adjacent to the street and in-line with the street furniture zone.
 - c) Driveway and curb cut widths shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances.
 - d) Required driveways may be located outside the lot boundaries provided they directly connect to a public street, subject to approval by the AUDC.
 - e) No circular drives shall be located between any buildings and any public street.
 - f) Except as authorized above in this subsection parking areas or driveways are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street, except for a driveway to reach the side or rear yard or an on-site parking facility. Driveways for childcare centers, kindergartens and special schools may be located between the sidewalk and the building if approved by the AUDC.
 - g) One-third of all surface parking areas shall be constructed of pervious materials.
 - h) No more than one curb cut is permitted for each development. Developments with more than one street frontage, may have two curb cuts. Two curb cuts on properties with street frontage greater than 300 feet may be approved by the AUDC.
 - i) Garages and carports that serve a single or two-family residential structure shall be to the rear of the principal building. Garages that serve a multi-family structure may be attached to the principal building, but entrances to garages shall not be on the front façade or the half-depth façade of the principal building.
 - j) Parking deck facades shall conceal automobiles from visibility and shall have the appearance of a horizontal storied building.
 - k) Parking decks shall provide either continuous street frontage with sidewalk-level commercial, office, or residential uses, or a minimum five-foot landscaped strip between the structure and the public sidewalk, except at ingress and egress points into the structure. The landscaped strip shall be planted with street trees spaced a maximum distance of 20 feet on center, which shall also meet the tree requirements set out in Section 16-20A.011(16). The landscape strip shall also be planted with evergreen ground cover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches. All plantings, planting replacement, and planting removal shall be approved by the city arborist. All landscaping shall be kept in a sightly manner.
 - l) Notwithstanding the provisions of section 16-28.006(10), a common or joint driveway may be approved by the AUDC when adjacent lots have direct vehicular access to a street.
 - m) All developments shall have walkways with a minimum width of four feet provided along the edge of all sidewalk level parking and drive areas and shall be linked to the public sidewalks.
 - n) No drop-off lanes are permitted along public streets.
- (15) Lighting, security, and maintenance requirements for parking structures & surface parking lots. All surface parking lots and structures shall have the following minimum requirements:
 - a) Lighting shall be provided throughout all parking facilities to equal a minimum of one-fifth foot-candle of light. A foot-candle of light is a uniformly distributed flux of one lumen on a surface of one square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking facility to independently provide these required levels of illumination.
 - b) Parking lots adjacent to residential areas shall minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree illumination and shall in all other ways be in compliance with Illuminated Engineering Society of North American Recommended Practice #33 – Lighting for Exterior Environments.
 - c) Parking deck lighting shall be a maximum of seven feet high and shall not be visible from any public right of way.
 - d) Parking facilities shall be maintained in a clean, safe, sanitary, and attractive condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of the parking lot.
- (16) Minimum landscaping for parking lots and barrier requirements. Each of the provisions of the Code of Ordinances, chapter 158 Vegetation, article II Tree Protection, and section 30 Parking lot requirements shall apply to all lots of 10 spaces or more in this subarea. In addition to these regulations, the following requirements shall apply:
 - a) All landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches.
 - b) Landscape bugger strips as described in section 16-20A.006(19) (i) shall be required.

- c) Variances in surface parking lot landscaping and barrier requirements may be approved by the commission per the criteria set out in Section 158-30(14).
- (17) Minimum Off-street parking requirements. The following parking requirements shall apply to all permitted uses, including those approved by special permits:
 - b) Off-street parking for those uses set out in 16-16.003 shall be as provided for in section 16-16.009.
 - c) Banks and similar institutions: One space for each 200 square feet of floor area.
 - d) Childcare centers: One space for each 600 square feet of floor area; in addition to providing required off-street parking, such centers shall provide safe and convenient facilities for loading and unloading children, as approved by the director of the bureau of traffic and transportation.
 - e) Clothing and tailor shops: One space for each 200 square feet of floor area.
 - f) Clubs and lodges: One space for each 100 square feet of floor area.
 - g) Commercial recreation uses, including bowling alleys, amusement arcades, game rooms, and the like: One (1) space for each 100 square feet of floor area.
 - h) Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement.
 - i) Laundry and dry cleaning establishments where customers operate equipment: One space for each 200 square feet of floor area.
 - j) Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below: One space for each 200 square feet of floor area.
 - k) Accessory uses: One space for each 300 square feet of floor area devoted to an otherwise permissible accessory use.
 - l) For all other nonresidential uses: One space for each 300 square feet of floor area.
- (18) Off-Street Parking Variances. Reductions in parking requirements may be approved by the AUDC subject to a shared parking arrangement under the following criteria:
 - 1. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access; and
 - 2. All shared parking spaces shall be clearly marked and signed as reserved during specified hours.
 - b) An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - 1. A to-scale map indicating location of proposed parking spaces;
 - 2. Indicate hours of business operation;
 - 3. Written consent of property owners agreeing to the shared parking arrangements; and
 - 4. Copies of any parking leases. Renewed leases shall be provided to the AUDC. Lapse of a required lease agreement shall terminate the permit.
- (19) Electric vehicle charging stations. A building, commercial establishment, or other property, which provides automobile parking facilities shall provide parking facilities in the ratio of at least one station for every 50 automobile parking spaces. No more than five such stations shall be required for a parking facility.

Per Section 16-20.009:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment;
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and

- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Analysis of Relationships between District and Beltline Zoning Regulations

The Staff has completed a general zoning analysis and reached the following conclusions about the relationship between the District regulations and the Beltline Overlay Zoning District:

1. In addition to its design requirements, the District regulations also address more basic, “standard” zoning requirements, including: allowed uses (principal, accessory, special), transitional characteristics (uses, height planes, yards, and screening), density, setbacks, lot size, yard requirements, height, and the number of off-street parking spaces.
2. The Beltline Zoning Overlay District have requirements related to design, building articulation and fenestration, facades, design of parking, streetscapes, and site arrangement.
3. In some cases, the Beltline Zoning Overlay District has requirements that are stricter than the District regulations, and thus are the governing requirement for that topic.
4. The Beltline Zoning Overlay requirements will be addressed through a concurrent Beltline Special Administrative Permit (SAP) review process also administered by the Office of Planning.

The Staff would recommend that the Staff approve design changes to the proposed project due to any Beltline Zoning Overlay Zoning requirements that would supersede the District regulations or would be considered an alternative, but still compatible, method for compliance with the District regulations.

In addition, the Staff would note that Memorial Drive is a State of Georgia route and as such the Georgia Department of Transportation will have to be consulted prior to making any changes in or involving the Memorial Drive right-of-way. The Staff would recommend that the Staff approve design changes to the proposed project due to any Georgia Department of Transportation design requirements that would be considered an alternative method for meeting the intent of the District regulations.

The Staff would retain these recommendations.

Analysis of Lot Aggregation (CA3-13-090)

The proposed project occupies the southern portion of the block bounded by Powell Street (on the east), Memorial Drive (south), Berean Avenue (west), and Gaskill Street (north).

Currently, the two lots are 132 and 140 ft. deep, with the eastern lot wrapping around the back of the western lot. The other five blocks in the District and Subarea 5 with Memorial Drive frontage generally have much larger lots along Memorial Drive, with the smaller residential lots in the northern portion of the blocks facing the “side” streets. The proposed lot would have a frontage along Memorial Drive of about 132 ft. and would have a depth of about 1400 ft., with 139 ft. of frontage along Powell Street. This compares with other large lots along Memorial Drive that have dimensions such as 150 ft., 144 ft, 131 ft, 200 ft., and 260 ft. The proposed lot would be generally square in shape, as are three of the large lots along Memorial Drive.

In addition, the Staff finds that the proposed lot would allow for buildings that are compatible in design, proportion, scale, and general character to the subarea and the district as a whole that can be reasonably situated and constructed on the lot. Further, the proposed lot would follow the historic platting pattern of Cabbagetown in that the large lot would be located along Memorial Drive, where the largest lots in

the District tend to be, with the smaller, residential lots on the northern portion of the block still facing the “side” streets.

Regarding the compatibility rule assessment, the Staff finds that the compatibility rule does not fully address the circumstances of this situation. According to the compatibility rule “lot dimension” should be “no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face.” The proposed project (along Memorial Drive) is half a block face. The proposed project has few points of comparison in the District even though it is fully contemplated by the requirements of Subarea 5 of the District. Looking farther afield in the District for somewhat similar types of buildings, one finds the former Salvation Army building along Carroll Street, which has been converted to a live-work use. It too sits on a lot that is considerably larger than those around it. There are several commercial or institutional buildings in the District that are on lots larger than their immediately adjacent or even nearby neighbors.

Notwithstanding the Staff conclusion that the consolidation meets the District regulations, the Staff is concerned that the proposed plat of the property (as documented in the submitted survey) shows the property about 8 ft. deeper (south to north) along the Powell Street portion than the City’s plat map (132 ft. vs. 140 ft.). The City’s plat map also shows what appears to be an alley, travel way, or some type of right of way along the northern edge of the property which could account for the apparent difference in lot depth. The Staff would note that in the western portion of the property, the depth is essentially the same (140 ft.). The Staff would recommend the Applicant resolve the status of the apparent alley, travel way or right of way segment along the northern property line prior to the application for any building permit related to the project.

The Staff recommends that the aggregation of lots be approved by the Commission.

The Staff would add that the Applicant must still complete the standard City of Atlanta / Office of Planning lot consolidation process which applies to all properties in the City of Atlanta whether or not they are in a Historic or Landmark District.

The Staff would retain its previous recommendation.

No additional information was provided about the lot consolidation. The Staff would retain its previous recommendation.

Analysis of Variances (CA3-13-086)

The Applicant submitted the narratives for each of the variance requests, which were included in the original application materials.

- **Reduce the number of on-site parking spaces from 47 (required) to 20 (proposed).**

The total number of parking spaces required for the Phase II version of the project is 47, based on the following square footage analysis:

| Location | Type of Space | Size | Ratio | Required # of spaces |
|-----------------|------------------------------|--------------|--------------|-----------------------------|
| 662 Building | inside – eating and drinking | 640 sq. ft. | 1/100 | 7 |
| 662 Building | covered outside dining | 400 sq. ft. | 1/200 | 2 |
| 658 Building | inside – eating and drinking | 2900 sq. ft. | 1/100 | 29 |
| 658 Building | covered outside dining | 1800 sq. ft. | 1/200 | <u>9</u> |
| | | | | 47 total spaces required |

The Staff would note that the existing parking lot has 7 spaces. Given the proposed use of the existing building is changing from a gallery / retail space to a gallery / eating and drinking establishment, the proposed use of the existing building would need to meet its on-site parking space requirements (9 spaces) to allow for the implementation of Phase I, which only includes the renovation of the existing building (including adding covered outdoor seating) and relocation of the existing dumpster. The Staff would recommend that the Phase I design accommodate all of the required on-site parking for the Phase I renovations and additions.

In either case, the amount of parking on site is less than what would be required both at the Phase I stage and the Phase II stage. According to the District regulations, reductions in parking requirements are normally based upon a shared parking arrangement which demonstrates that no conflicts will exist between various uses and that the parking will be clearly marked and allocated to the various uses. Although it is possible that the potential gallery / eating and drinking establishments might not have conflicting parking requirements (and thus could benefit from a shared parking arrangement), the Applicant has requested a variance to reduce the on-site parking without a shared parking arrangement.

While the Staff generally concurs with the Applicant's variance analysis to reduce the on-site parking, the Staff still finds that if a shared parking arrangement can be developed, the potential negative effects of the reduction in parking could be mitigated. The Staff would recommend that the Applicant program a mix of uses on the property for Phase II that could facilitate some shared parking internal to the site, develop a shared parking arrangement with a property in close proximity to the project, or demonstrate that there are not reasonable opportunities to develop a shared parking arrangement with a property in close proximity to the project.

The Applicant has noted that the potential shared parking arrangement with the adjacent church is unlikely to happen. In addition, they have explored an option of a shared parking arrangement with a commercial property just across Memorial Drive. Making such an arrangement outside of the District geography is allowed by the District regulations if parking is permitted for the zoning category with which the shared parking arrangement is being sought. The Applicant raised concerns about the safety of using a shared parking arrangement across Memorial Drive, given its width and general safety. The Applicant also asserts that the required number of parking spaces in the Subarea would limit the types of development that could occur in the District portion of the Memorial Drive corridor.

While the Staff would generally shared the Applicant's concerns about a shared parking arrangement across Memorial Drive from the subject property, it would note that a different mix of uses on the subject property (including less eating and drinking establishments – which have the highest parking ratios) would produce a lower required parking count.

The Staff would retain its previous recommendation.

As noted above, the Applicant has requested the withdrawal of the parking reduction portion of their variance request. At this time, they are only going to develop and thus provide parking for "Phase I" of the project. As such, the parking analysis has become part of the regular design for the project itself, and as such will be addressed in the non-variance portion of the Staff Report.

- **Reduce the distance between a dumpster and an adjoining residential property line from 30 ft (required) to 20 ft. (proposed).**

The proposed dumpster (both in Phase I and Phase II) is located in the northwest corner of the property. The Applicant has proposed locating the dumpster as far away from the adjoining residential properties by putting it near the rear property line shared by the two residential properties. While the Staff concurs with this approach, it is not clear the benefit of moving the dumpster 10 ft. closer to the northern property line of the subject property, given that this would put the dumpster closer to the residential properties. The Applicant notes in their narrative that this would allow for access to their parcel from the church to the west. While the Staff appreciates the benefits of inter-parcel access, it would appear that such access could still be provided given the location of the existing and proposed connection. If the dumpster were moved south (towards the front of the property) the inter-parcel connection could still be maintained, both in Phase I and Phase II.

The Staff would recommend that the dumpster be located 30 ft. from the adjoining residential property line.

The revised design locates the dumpster (in both phases) 30 ft. from the adjoining residential property line. As such this portion of the variance request is no longer necessary.

The dumpster still meets the distance requirement.

- **Plant street trees with a planting size and mature size other the permitted by the District regulations.**

The District regulations specifically contemplate variances to the tree planting requirements "subject to constraints such as overhead or underground utilities." As noted by the Applicant, the north side of Memorial Drive contains Georgia Power lines at about 35 ft. about grade. The Staff concurs with the Applicants variance analysis. The Staff would recommend that the mature size and caliper size of the street trees be reduced to accommodate the height of the existing power lines.

The Staff would retain its recommendation.

On-Site Parking Calculations and Parking Lot Design

The Staff has revised its initial parking calculations were based on its misunderstanding of the Applicant's proposal and underestimated the amount of parking that would be required for the proposed construction and uses. As such, the Staff recalculated the property parking ratios for Phase I of the project as follows:

| | | |
|------------------------|---------------------------------------|--------------------------------------|
| Existing building | = 950 sq. ft. (30.83 ft. x 30.83 ft.) | = 10 spaces required (1/100 sq. ft.) |
| Addition | = 356 sq. ft. (16.16 ft. x 22 ft.) | = 4 spaces required (1/100 sq. ft.) |
| Covered outdoor dining | = 540.5 sq. ft. (47 ft. x 11.5 ft.) | = 3 spaces required (1/200 sq. ft.) |
| Total square footage | = 1,846.5 sq. ft. | = 17 total spaces required |

The Applicant has provided slightly different calculations in their revised materials which would still require 17 total on-site places, but would include 13 for the building and 4 for the outdoor dining.

The proposed site plan shows 17 on-site parking spaces.

The Staff has confirmed with the Office of Buildings that the square footage of the building for the purposes of calculating parking ratios is measured from the exterior face of exterior walls. The Staff would recommend that the Applicant confirm their measurement technique for calculating the square footage of the building conforms to the City technique.

Further, given that the entire outdoor plaza has not been included in the parking calculations, the Staff would recommend the final site plan graphically illustrate the location and limits of the outdoor dining to confirm the Applicant's parking calculations.

As for the design of the parking lot, the majority of the parking will be provided in an existing parking lot that is generally located behind the existing building. No additional paving is proposed in that location. However, some of the parking spaces will be provided on a graveled portion of the lot to the west of the existing building and to the west of the existing parking lot.

Given that this now gravel area will be established as formal, official parking to meet the parking ratio required for the use, the Staff finds that the basic parking lot requirements should be met for this new section of parking. The Staff would recommend that the new section of parking lot be given a hardscape treatment, have one-third of its surface area be pervious material, meet any District parking lot landscaping, and meet any District parking lot lighting requirements.

Analysis of General Development Controls, Transitional Controls, and Site Plan Issues (CA3-13-085)

If regulation topic is not addressed below, the Staff has concluded that the District and/or Subarea 5 requirements have been met, the District and/or Subarea 5 requirements are superseded by a more strict Beltline Overlay Zoning District regulation, the requirement is not applicable to this project due to the retained, existing features or the proposed design, or the variances above address the issue separately.

- The maximum lot coverage is 80%. No lot coverage calculations are not included in the application materials.

The revised design materials do not include lot coverage calculations.

- No mechanical or accessory structures (HVAC units, etc.) are shown on the plan.

The HVAC equipment is shown between the existing building and Powell Street. The District regulations prohibit building mechanical equipment between the building and the street.

- The proposed retaining wall along Powell Street between the building façade line and the street is 6 ft. in height when only 2 ft. is permitted without a variance.

The existing retaining wall will be refurbished vs. being rebuilt.

- The proposed retaining wall along Powell Street appears to be located in within the visibility triangle.

The existing wall will remain in its current location with no changes made to the visibility triangle area.

- The sidewalk clear zone in front of the existing non-contributing building is just over 9 ft. in depth when a minimum of 10 ft. is required.

No changes are being made to the area between the existing building and the curb, thus the existing condition can remain as is.

Given the establishment of a new section of parking lot (vs. a new building and plaza) and that this parking lot will be located immediately adjacent to the sidewalk clear zone, the Staff would recommend that the sidewalk clear zone and street furniture zone be clearly demarcated from each other and the entire parking lot area through materials for the sidewalk clear zone and street furniture zone that are different from the parking lot paving material.

- The sidewalk paving materials are not carried across the driveways and no textured concrete band is indicated on either side of the sidewalk as it continues across the driveway.

The sidewalk paving materials appear to extend across the driveway and the textured concrete band is shown on both sides of the sidewalk at the driveway.

Given the establishment of a new section of parking lot (vs. a new building and plaza), it is not clear that this requirement is still being met in the new design. The Staff would recommend that the sidewalk paving material extend across the entrance to both parking lot sections and textured concrete bands are included to the extent possible on both sides of the sidewalk at the entrance to both parking lot areas.

- Given the establishment of a new section of parking lot (vs. a new building and plaza), the Staff is concerned about the ability for pedestrian access from the western portion of the parking lot to the building, across the driveway. The District regulations call for ... "walkways with a minimum width of four feet provided along the edge of all sidewalk level parking and drive areas and shall be linked to the public sidewalks." The intention of this requirement is to provide access pedestrian access out of parking lot areas to the place of business. The Staff would recommend that a cross-walk type demarcation and refuge area be provided on the eastern end of the western portion of the parking lot across the driveway to the building. Similarly, the Staff would recommend that the "no parking stripping" at the back of the addition be extended to reach the rear of the covered outdoor dining area.
- No lighting fixtures are indicated for the parking lot, including details about their intensity and light spillage restrictions.

Parking lot lighting is shown and is noted as meeting the District regulations.

- There is no information provided that the parking lot meets the landscaping and tree planning requirements.

The plans note additional trees and landscaping and that they will meet the District regulations.

- No electric vehicle charging stations are indicated on the site plan. One (1) such station would be required for the project.

An electric vehicle charging station is shown behind the existing building.

The Staff would also strongly suggest that the western most curb cut be closed and the street furniture zone and clear zone (with corresponding treatments) be constructed in its place.

Analysis of General Massing, Architectural Components, and Materials of the New Construction (CA3-13-085)

The block face of the subject property does not contain any contributing commercial buildings. The only contributing buildings on the block face are the church-related (i.e. institutional / office) buildings to the west. The closest contributing examples in the District of the proposed design for the new structure would appear to be the two-story, hipped roof commercial buildings on east side of Carroll Street, north of Pickett's Alley. These buildings (originally mixed use buildings with stores on the ground floor and apartments above) have hipped roofs, some have second floor porches / balconies, siding, and are located immediately adjacent to the sidewalk. Given that the proposed building will be commercial is will be a commercial building, this block face on Carroll Street would be an appropriate point of comparison to ensure overall compatibility with the pertinent District regulations.

If regulation topic regarding massing, architectural components or materials is not addressed below, the Staff has concluded that the District and/or Subarea 5 requirements have been met, the District and/or Subarea 5 requirements are superseded by a more strict Beltline Overlay Zoning District regulation, the requirement is not applicable to this project due to the retained, existing features or the proposed design, or the variances above address the issue separately. These comments assume that the east side of Carroll Street, north of Pickett's Alley is the block face of comparison.

- The "Victorian" ornamentation and trim appears to be more elaborate and high style than that which is found on the comparison block face. The Staff would recommend that the trim and ornamentation be less complicated and "high style" in appearance.

The trim and ornamentation has been greatly reduced in style and complexity.

- The fenestration pattern on the ground floor is not similar to the predominant pattern on the ground floor of the block face (i.e. storefront display windows). The Staff would recommend that the fenestration pattern on the ground floor more closely follow that of the comparison block face.
Additional windows have been added to the first floor facing Memorial Drive similar in design to the first floor windows found on the commercial / mixed-use buildings on Carroll Street.

In addition to these massing, architectural component, or material issues, the Staff has the following specific regulatory or documentation requirements:

- No north elevations are provided.

A north elevation is included in the revised design and meets the District regulations.

- The roofing material is not asphalt shingles.

The roofing is now shown as asphalt shingles.

- The size of street address numbers on the buildings is not noted on the plans.

The street numbers located above the main entrance meets the District regulations.

- The new building does not appear to have fenestration along 75% of its length. The building is approximately 37.5 ft. across. The fenestration (including the entrance door) occupies about 18-19 ft. of that length.

Additional windows have been added to the first floor facing Memorial Drive similar in design to the first floor windows found on the commercial / mixed-use buildings on Carroll Street.

Given that Phase II new construction has been removed from the application, the Staff has no recommendations regarding new construction on the property.

Analysis of General Massing, Architectural Components, and Materials of the Renovations and Additions to the Existing Structure (CA3-13-085)

The Staff generally finds that the proposed renovations and additions to the non-contributing property on the site are consistent with the architectural style of the existing building. The Staff does have several concerns though. It is not clear what the "new decorative trim" and the "vertical plank siding" will be. The Staff would recommend that the trim and siding reflect the simple, mid-century style of the existing building. Second, the Staff finds that the horizontal wood fence partially enclosing the outdoor seating area and patio is both too contemporary and too residential in appearance, particularly given its wood material. The Staff would recommend that the fence enclosing outdoor seating area and patio be metal. The Staff would also recommend the roofing material be asphalt shingles.

The trim and siding are now reflective of the style of the existing building (horizontal siding and minimal decorative trim added).

The enclosure fence is now metal.

The roofing on the main roof is asphalt shingles.

The Staff finds that the rear addition is not wider or taller than the existing building.

No changes to the renovation and addition to the existing building were included in the revised submission. The Staff would retain its previous assessment.

STAFF RECOMMENDATIONS:

Lot Aggregation (CA3-13-090)

Based on the following:

1. The aggregated lot will be compatible with the historic platting pattern of the Cabbagetown neighborhood, per Section 16-20A.006(12);
2. The aggregated lot will be laid out such that buildings that are compatible in design, proportion, scale, and general character of the block face, block, subarea, and the district as a whole, may be reasonably situated and constructed upon such lot or lots, per Section 16-20A.006(12);
3. The compatibility rule only partially addresses the circumstances of this particular situation.

Staff recommends approval the application for a Type III Certificate of Appropriateness (CA3-13-090) to consolidate two lots into one lot at **652 (aka 658) - 662 Memorial Dr.** - Property is zoned Cabbagetown Landmark District (Subarea 5)/Beltline, with the following conditions:

1. The Applicant resolve the status of the apparent alley, travel way or right of way segment along the northern property line prior to the application for any building permit related to the project.
2. The Staff shall review, and if appropriate approve, the final lot consolidation documents.

Variances (CA3-13-086)

Based on the following:

- a) To some degree, there are extraordinary and exceptional conditions pertaining to the particular piece of property in question, per Section 16-26.003;
- b) To some degree, the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship, per Section 16-26.003
- c) To some degree, there are peculiar conditions pertaining to the particular piece of property in question, per Section 16-26.003;
- d) To some degree, relief if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta, per Section 16-26.003.

Staff recommends approval of the application for Type III Certificate of Appropriateness (CA3-13-086) for a variance to reduce the number of on-site parking spaces from 47 (required) to 20 (proposed); to reduce the distance between a dumpster and an adjoining residential property line from 30 ft (required) to 20 ft. (proposed); and to plant street trees with a planting size and mature size other the

permitted by the District regulations at **652 (aka 658) - 662 Memorial Dr.** - Property is zoned Cabbagetown Landmark District (Subarea 5)/Beltline, with the following conditions:

1. The Phase I design accommodate all of the required on-site parking for the Phase I renovations and additions, per Section 16-20A.011(17);
2. The commercial dumpster shall be 30 ft. from the adjoining residential property line, per Section 16-20A.011(10); and
3. The mature size and caliper size of the street trees be reduced to accommodate the height of the existing power lines, per Section 16-20A.011(12).

Design Review (CA3-13-085)

Staff Recommendation: Based on the following:

1. *Accept as noted above, the elements of the proposed site plan meet the District regulations;*
2. *Accept as noted above, the massing, architectural components and materials of the proposed design meet the District regulations or are not specified on the plans;*

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-13-085) for renovations, additions, new construction, and site work at **652 (aka 658) - 662 Memorial Dr.** - Property is zoned Cabbagetown Landmark District (Subarea 5)/Beltline, with the following conditions:

1. The Staff would recommend that the Staff approve design changes to the proposed project due to any Beltline Zoning Overlay Zoning requirements that would supersede the District regulations or would be considered an alternative, but still compatible, method for compliance with the District regulations;
2. *The Staff shall approve design changes to the proposed project due to any Georgia Department of Transportation design requirements that would be considered an alternative method for meeting the intent of the District regulations;*
3. The Applicant shall confirm that their measurement technique for calculating the square footage of the building conforms to the City technique;
4. The final site plan shall graphically illustrate the location and limits of the outdoor dining to confirm the Applicant's parking calculations;
5. The new section of parking lot be given a hardscape treatment, have one-third of its surface area be pervious material, meet any District parking lot landscaping, and meet any District parking lot lighting requirements, per Section 16-20A.011(12) and (13);
6. The Applicant shall document that the project meets the District lot coverage requirements, per Section 16-20A.011(6);
7. The mechanical and accessory structures (HVAC units, etc.) shall meet the District regulations, including not being located between the building and the street, per Section 16-20A.011(10);
8. The sidewalk clear zone and street furniture zone shall be clearly demarcated from each other and the entire parking lot area through materials for the sidewalk clear zone and street furniture zone that are different from the parking lot paving material, per Section 16-20A.011(12) and (13);
9. The sidewalk paving material shall extend across the entrance to both parking lot sections and textured concrete bands are included to the extent possible on both sides of the sidewalk at the entrance to both parking lot areas, per Section 16-20A.011(14);
10. A cross-walk type demarcation and refuge area shall be provided on the eastern end of the western portion of the parking lot across the driveway to the building and "no parking" stripping at the back of the addition shall be extended to reach the rear of the covered outdoor dining area, per Section 16-20A.011(14); and
11. *The Staff shall review, and if appropriate approval, the final design and supporting documentation.*



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT June 26, 2013

Agenda Item: Application for Type III Certificate of Appropriateness (CA2-13-114) for alterations and porch renovations at **1341 Lucile Avenue**-Property is zoned R-4A/West End Historic District.

Applicant: John Manning
7568 Waters Edge Drive, Stone Mountain

Facts: According to the West End Historic district inventory this contributing single family dwelling was built between 1917 and 1918.

This application was deferred at the May 22nd and June 12th meetings to allow the Applicant time to submit appropriate plans.

Analysis: The following code sections apply to this application:
Per Section 16-20G.005 of the Atlanta Land Development Code, as amended:
The following general regulations shall apply to the West End Historic District.

Sec. 16-20G.005. - General regulations.

(2) *The Compatibility Rule:* The compatibility rule is a method of ensuring that alterations to existing structures and the design of proposed new construction are sensitive to and sympathetic toward existing elements of design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and width as measured at front façade, floor height, lot dimensions, etc.), shall be no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

Sec. 16-20G.006. - Specific regulations.

In addition to the general regulations set forth in section 16-20G.005, and any other applicable regulations, the following regulations shall apply to all rehabilitations, new construction, alterations, and other changes:

(1) *Generally*: The following building elements and architectural features shall be considered when applying section 16-20.009 of this chapter to the West End Historic District: doors, windows, foundations, finished floor elevations, roofs, roof features, gutters, downspouts, cornices, siding, porches, steps, terraces, dormers, shutters, awnings, gateways, archways, louvres, walls, fences, and gates.

(2) *Building Façades*:

(a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main façade shall face the principal street whenever possible.

(b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.

(c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.

(3) *Windows and Doors*:

(a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.

(b) Original window and door openings shall not be blocked or enclosed, in whole or in part.

(c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is permitted.

(d) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.

(e) The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.

(f) Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.

(g) New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.

(h) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule.

(i) The scale, size, proportion, and location of all openings in new construction shall be established by the compatibility rule.

(j) New windows or doors added to existing structures shall be located façades that don't face a public street.

(k) New or replacement doors shall be made of wood and shall contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion placement, and style to original doors within that block face.

(4) *Storm Doors, Storm Windows, Shutters and Awnings*:

(a) Shutters shall not be added to the building if they were not a part of the original building.

(b) Shutters shall be operable or appear operable, and shall fit the size of the window.

(c) Replacement shutters shall match the original shutters in design, materials and configuration.

(d) Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.

(8) *Decks:* Decks shall be constructed to the rear of the structure and shall not extend beyond the sides of the structure. Decks on the corner lots shall be screened with fencing or vegetation to reduce visibility from the public street.

(9) *Porches:*

- (a) Architecturally significant porches, including their component features, steps and stoops shall be retained.
- (b) Replacement porches, steps and stoops shall match the original in size, style and materials. All front porch steps shall have closed risers and ends.
- (c) Porches may be enclosed with screen wire or glass provided that the main characteristics of a front porch are maintained.
- (d) New or replacement porches shall contain balustrades, columns and other features consistent with the architectural style of the house or other original porches in that block. The height of the top rail shall be no more than 33 inches above the finish porch floor, except as required by the City's building code.

In looking at pictures submitted by the Applicant, it appears that most of the work is already underway. Staff would note that the existing porch railing is not appropriate. Staff recommends the porch railing have a two part top and bottom rail with pickets that butt joint the top and bottom rail. Staff further recommends the proposed railing be no more 33 inches above the finished floor, unless required by the City's building code. The pictures also indicate a large wood frame enclosure and a metal door on the porch. This is not appropriate for a typical porch in the district. Staff recommends the large wood frame and metal door be removed and a simple screen door be installed that is compatible with other similar porches in the district.

In looking at the as-built drawings, there was a previous set of stairs that went down to the porch. Staff found an older picture of the stairs online, Staff would note that the previous stairs were more simple and less noticeable from the street. The new stairs are located in the opposite direction and are much more noticeable from the street. By using the same materials as the porch railings, the side stairs appear to be an extension of the porch in an inappropriate way. While side elevation stairs are not addressed in the regulations, Staff finds the new stairs detract from the existing structure and are not appropriate.

It is not clear why the previously existing stairs were removed and why additional stairs are needed. Staff recommends the Applicant clarify why the previously existing stairs were removed and why new stairs are needed. As no site plan was submitted, it is not clear whether the alterations on the side elevation meet the setback requirements. Staff recommends the Applicant submit an appropriately scaled site plan of the proposed conditions. Staff suggests the stairs be either eliminated or redesigned to be simpler and less noticeable from the street.

In looking at the pictures, there is now a deck area underneath the landing. Staff has concerns regarding the deck area under the landing. Per regulations, decks are not allowed on the side facades. Staff recommends the existing deck be eliminated or be appropriately designed to look like a porch.

Staff Recommendation: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20G.006.

Staff recommends approval of the Application for Type II Certificate of Appropriateness ((CA2-13-114) for alterations and porch renovations at **1341 Lucile Avenue**-Property is zoned R-4A/West End Historic District, with the following conditions:

1. The porch railing shall have a two part top and bottom rail with pickets that butt joint the top and bottom rail, per Section 16-20G.006 (9)(d);
2. The proposed porch railing shall be no more 33 inches above the finished floor, unless required by the City's building code, per Section 16-20G.006(9)(d);
3. The large wood frame and metal door shall be removed and simple screen door shall be installed that is compatible with other similar porches in the district, per Section 16-20G.006(9)(c);
4. The Applicant shall clarify why the previously existing stairs were removed and why new stairs are needed;
5. The Applicant shall submit an appropriately scaled site plan of the proposed conditions;
6. The existing deck shall be eliminated or be appropriately designed to look like a porch, per Section 16-20G.006(8); and
7. Staff shall review and if appropriate, approve the final plans.



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT July 24, 2013

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-177) for a subdivision at **962 Boulevard**-Property is zoned R-5/ Grant Park Historic District (Subarea 1).

Applicant: Glenn Landry
870 Oaklen View Drive, Sugar Hill

Facts: According to the Grant Park Inventory sheet this single-family house was built in 1913 and is considered contributing.

Analysis: The following code sections apply to this application:
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (1) *General Criteria.*
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
 - a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.
 - b. Type II Certificates of Appropriateness shall be required for: minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
 - c. Type III Certificates of Appropriateness shall be required for:
 1. All new principal structures
 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
 - d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall

require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

- (3) *Subdivisions.* In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
- (4) *Tree Preservation and Replacement.* The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.

According to the site plan submitted, the lot fronts 108.50' on Boulevard and has a depth of 188.70' on Robinson. In looking at the City of Atlanta cadastral map, the lot fronts 110' on Boulevard and has a depth of 190' on Robinson. Staff suggests the Applicant work with the Office of Planning subdivision Staff to resolve the lot dimension discrepancy.

The Applicant is proposing to subdivide an existing lot into two lots. Per the underlying R-5 zoning, the resulting lots would have to have a minimum of 50' of frontage and no less than 7500 square feet. The first proposed lot will front 108.50' on Boulevard and have a depth of 118.70' on Robinson, with a total of 12, 878.95 square feet. Staff finds the first lot meets the frontage and square footage requirement. The second proposed lot will front 70' on Robinson and have a depth of 109.80' on its longest side, with a total square footage of 7686 square feet. Staff finds the second lot meets the requirements.

The Grant Park Historic District regulations require the resulting lots to conform to the historic platting of the district in regards to lot size, dimension and configuration. In looking at the district as a whole, Staff finds that most lots have between 50-70 feet of frontage and have a depth between 140-200 feet. There are of course many different sized lots in between. In particular, there are a group of smaller lots in the northern part of the district near Woodward and Grant, Woodward and Cherokee and near Loomis and Bryan. There is also a block face on the western boundary of the district on Woodson with smaller lots. While Staff finds there are smaller and more square lots in the district, Staff finds these lots are exceptions as opposed to part of an overall pattern.

Staff looked at the Sanborn Fire Insurance Map to get a sense of what the lot in question looked like historically. According to the Sanborn maps, this lot was once two lots. The existing house was on one lot and the corner lot was vacant. There was never a rear lot. Staff finds the proposed lot is not consistent with the predominant pattern of lots in the district in regards to depth and shape. Staff finds the proposed lot is not consistent with the depths of the lots on the block. Staff finds the proposed lot is not consistent with the original layout as shown on the Sanborn Maps. Given the information we have at this time, Staff cannot support the subdivision as currently proposed.

Staff Recommendation: Based upon the following:

- 1) The plans do meet the regulations with the exception of the comments noted above per Section 16-20K.006(3);

Staff recommends denial of the application for a Type III Certificate of Appropriateness (CA3-13-177) for a subdivision at **962 Boulevard**-Property is zoned R-5/ Grant Park Historic District (Subarea 1).



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JAMES SHELBY
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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

July 24, 2013

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-181) for a variance to allow a wall in the half depth front yard where otherwise prohibited and a special exception to increase the wall height from 4' (allowed) to 7' (proposed) at **716 Lake Avenue** – Property is zoned R-5/Inman Park Historic District (Subarea 1)/Beltline.

Applicant: Adam Tichelaar
716 Lake Avenue

Facts: According to the Inman Park Inventory form of August 2000, this house was built in 1910 and is considered contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20L.005 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Inman Park Historic District.

1. General Criteria.

- a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.
- b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
 - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- d. **Compatibility Rule:** The intent of the Mayor and Council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face, and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: Where quantifiable (i.e. building height, setback,

etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.

2. Certificates of Appropriateness.

- a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.

d. Type III Certificates of Appropriateness shall be required for:

- i. All new principal structures.

3. Variances, Special Exceptions, and Appeals.

Variance applications, applications for Special Exceptions, and appeals from these Regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in Chapter 26 of this Part 16. The Commission shall have the authority to grant or deny applications for Special Exceptions pursuant to the standards in Chapter 25. The Commission shall have the authority to grant or deny applications for appeal pursuant to the standards in Section 16-30.010 and the appeal provisions for said decision, set forth in Section 16-30.010(e), shall also apply to the Commission's decision.

Sec. 16-20L.006. Specific regulations for Inman Park Core District, Subarea 1

1. Design standards and other criteria for construction of and for additions to one- and two-family residential structures.

1. Fences and walls, excluding retaining walls, visible from a public street or park upon completion, subject to the provisions of Section 16-28.008(5) and the following limitations, may occupy required yards:
 - i. Fences not exceeding 4 feet in height may be erected in the front yard or half-depth front yard. Walls, excluding retaining walls, are not permitted in the front yard or in other yards adjacent to public streets.
 - ii. Fences and walls not exceeding 6 feet in height may be erected in side or rear yards.
 - iii. The Compatibility Rule shall apply to all fences located in a required front yard adjacent to a street. Such fences shall be constructed of brick, stone, ornamental iron, or wood pickets. Chain link fencing is not permitted in front yards or in other yards adjacent to public streets.
- m. The Compatibility Rule shall apply to portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls shall be faced with stone, brick, or smooth stucco. The Compatibility Rule notwithstanding, no single section of such retaining wall shall exceed 4 feet in height.

Sec. 16-28.008. - Required yards and open space, detailed limitations on occupancy

(5) Walls or fences in required yards; height limits: Fences, walls or hedges may occupy required yards as follows; provided, however, that such fence, wall or hedge shall be maintained in a safe and sightly condition and that no such walls or fences create substantial impediments to visibility as prohibiting at section 16-28.008(9). The height of a retaining wall shall be measured as the greatest vertical length from one side of finished grade to the top of said adjacent retaining wall unless specified below.

(e) Special exceptions on greater height of walls or fences in required yards: The board of zoning adjustment may grant special exceptions in any district for greater heights only upon finding that:

1. Such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood;
2. Such greater height is justified by requirements for security of persons or property in the area;
3. Such greater height is justified for topographic reasons; or
4. Such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

The following variance and special exception justification was submitted by the Applicant:

Special Exception

- (1) Such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood.**

The proposed wood fence is aimed to replace an existing wood fence that was in disrepair and represented a safety hazard to the homeowner. The existing back yard fence was composed of wide wood pickets placed ~1/4" apart to provide privacy for the owners and screen visibility from the businesses and commercial enterprises that surround the property on 3 sides of the home.

- (2) Such greater height is justified by requirements of persons or property in the area;**

The property is surrounded on 3 sides by commercial/light industrial zoning that includes regularly commercial activity during both daylight and evening hours. In addition, the immediate street along the side yard of the home is public parking and is regularly occupied during the day by individuals working in the local businesses (IceBox, Times3) as well as during the evening for restaurants patrons (Kevin Rathbun Steak). As part of this activity large trucks delivering packages and frequent multiple occupant vehicles (buses, limousines) park on the street next to the home generating significant noise, congestion, and trash/debris that end up in the homeowner's yard. The greater fence height will screen these activities from the homeowner as well as homeowner family activities from these enterprises during their hours of operation.

- (3) Such greater height is justified for topographic reasons; or**

The slope of Krog Street down from Lake Avenue to W Ashland Avenue provides clear visibility into the back and side yards of the homeowner's property. The increased fence height will provide shielding from people walking down Krog Street to one or of the businesses or restaurants and will protect the homeowner's vehicles and family activity from general view.

- (4) Such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood**

- (5) What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography)**

The property is extremely small, narrow, and faces public streets on 3 sides. The property spans the block from Lake Ave to W Ashland Ave along Krog Street and faces commercial/light industrial properties on these 3 sides. A significant amount of both day and evening activity surrounds this property including delivery trucks and high occupancy vehicles (buses, limousines) resulting in significant noise as well as debris impacting the homeowners property.

Variance

(1) What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography)

The property is extremely small, narrow, and faces public streets on 3 sides. The property spans the block from Lake Ave to W Ashland Ave along Krog Street and faces commercial/light industrial properties on these 3 sides. A significant amount of both day and evening activity surrounds this property including delivery trucks and high occupancy vehicles (buses, limousines) resulting in significant noise as well as debris impacting the homeowners property.

(2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship?

The Zoning Ordinance would restrict the homeowner from replacing the existing fence that was in disrepair as it existing originally in the back yard when the house was purchased. In addition, this would also prevent the homeowner from installing protective lower visibility fencing along the back, side, and front yards of their property that would provide security for their property and act a buffer from commercial activity surrounding the property. Given the small size of the property, its immediate proximity to commercial/light industrial businesses, and the high volume of vehicle and foot traffic along the property, application of the Zoning Ordinance would significantly reduce the safety and privacy provided to the homeowner and his/her family.

(3) What conditions are peculiar to this particular piece of property?

The property is surrounded by commercial/light industrial businesses on 3 sides, faces public streets on 3 sides, is located within a block of the Beltline, and provides public street parking directly next to the home along Krog Street. As a result there is tremendous amount of activity starting in the early morning and extending late into the evening 7 days a week. All of these elements together result in a high noise and congestion zone unlike most, if not any, homes in the Inman Park neighborhood.

(4) Submit facts to show that relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

The original existing fence resulted in no issues or complaints from any neighborhood occupants, be it residential or commercial, to date. In addition, the fact that both intersections at opposite ends of the property are significantly curved results in clear visibility when approaching either by foot or in a vehicle. The stop sign located at the intersection of Lake Ave/Irwin Street and Krog Street is actually set forward from the line of sight of the fence resulting in clear view down Lake Ave to see ongoing traffic. In the end, the lower visibility fencing only restrictions views directly into the home, private parking area, and homeowner's front yard.

(5) State whether the property described in this application forms any part of the subject matter of a pending application or ordinance for a zoning change or Special Use Permit.

No. The property is not part of any other pending application or ordinance for zoning change or Special Use Permit.

Staff Response

In looking at pictures submitted, there was a previously existing fence on the front and side of the house and a 6' wall located behind the existing porch to enclose the parking area. Recently, the existing fence and wall were removed and a new wall was installed without a permit. Specifically, a 7' wall was installed starting at the front façade wall of the house and extending to the rear of the property. Further a 3'6" wall was installed starting where the 7' wall ends and wrapping around the front of the house.

In general, Staff finds there are conditions regarding the lot and the surrounding area that make approval of the special exception and variance appropriate. Staff agrees that the property is unusual as it has frontage on West Ashland, Krog and Lake. Staff agrees that there is a large amount of activity and traffic towards the rear of the house on Krog, due to nearby businesses and restaurants. Staff agrees that the presence of a large amount of activity and traffic do create privacy and security concerns.

While Staff is generally supportive of both the variance and the special exception, Staff does have concerns regarding the height of the 7' wall. Most walls in the district associated with residences are 6' tall. Staff finds that a 7' wall is too tall, is not compatible with the majority of walls in the district and causes a public detriment. Staff finds the Applicant has not shown why privacy and security cannot be achieved with a 6' wall. Staff recommends the proposed 7' wall be no taller than 6'.

Staff has concerns regarding the 3'6" wall that begins where the existing 7' wall ends and wraps around the front of the house. Given the height, Staff finds that having a wall instead of an appropriate fence is not warranted. Staff finds the Applicant has not shown why it is a hardship to have an appropriate 3'6" fence instead of the proposed wall. Staff finds the wall not appropriate for the front façade and not in keeping with other similar properties in the district. Staff recommends the 3'6" wall be altered to be a fence.

Staff Recommendation: Based upon the following:

- 1) Except as noted above, the proposal meets the variance and special exception criteria, per Section 16-20.008(5)(e);

Staff recommends approval of applications for Type III Certificates of Appropriateness (CA3-13-181) for a variance to allow a wall in the half depth front yard where otherwise prohibited and a special exception to increase the wall height from 4' (allowed) to 7' (proposed) at **716 Lake Avenue** – Property is zoned R-5/Inman Park Historic District (Subarea 1)/Beltline, with the following conditions:

1. The proposed 7' wall shall be no taller than 6', per Section 16-20L.005(3), 16-20L.006(1)(l) and 16-28.008(5)(e); and
2. The 3'6" wall shall be altered to be a fence, per Section 16-20L.005(3), 16-20L.006(1)(l) and 16-28.008(5)(e).



KASIM REED
MAYOR

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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
July 24, 2013

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-13-182) for a variance to reduce the total open space from 198, 821 sq. ft.(required) to 108,000 sq. ft. (proposed); reduce the useable open space from 115,258 sq. ft. (required) to 65,000 sq. ft. (proposed); reduce the off-street loading spaces from 8 (required) to 3 (proposed) and increase the height of a building that is located 150 ft. or more from a R-1 through R-5 residential district from 52 ft. (required) to 67.5 ft. (proposed); and (CA3-13-183) for a new mixed-use building and parking deck at **112 Krog Street and 670-702 Edgewood Ave.** - Property is zoned C-2/HC-20L SA3/Beltline.

Applicant: Trammel Crow Residential
303 Peachtree Street Suite 5300

Facts: The site sits on the west side of Krog Street on the northwest corner of Edgewood Avenue. The Property also fronts along the eastern edge of the Beltline corridor. The property currently includes The Stove Works commercial, retail, and office complex with its large surface parking lot. In addition, there is a small, commercial building along Edgewood Avenue. None of the properties on the property are considered contributing to the District. The property is highest at its edge along Edgewood Avenue where Edgewood Avenue rises quickly to pass over the Beltline corridor. As a result, Krog Street rises significantly from north to south to intersect with Edgewood Avenue. The properties lowest point is at the middle of the property about where the existing Stove Works building ends and the existing surface parking lots begins.

To the east of the property (across Krog Street) is the proposed “Krog Street Market”, which will have eating and drinking establishments and surface parking. (A later phase of that project includes multi-family residential.) Further south along the east side of Krog Street are one-story, non-residential buildings. To the south and southeast (across Edgewood Avenue) are multi-family residential and commercial buildings, including an apartment building in a converted elementary school. To the west, across the Beltline corridor is Studioplex. To the north, beyond the contributing building attached to the northern end of the existing Stove Works building and vacant lot at the end of the block is a one-story commercial building. Farther east along Lake Avenue are one and two-story, historic single-family houses. The only properties that are northwest of the northern end of *the block* are zoned R-1 through R-5.

The Applicant is proposing to essentially leave the existing Stove Works complex as is and redevelop the Stove Works parking lot and the small, commercial building along Edgewood Avenue into a new, multi-story residential building with a small amount of retail along Krog Street. When completed, the entire property will include the non-residential uses in the existing Stove Works building and the mostly residential uses in the proposed building.

The Applicant is requesting a variance to increase in the height of the building on the site outside of the 150 ft. distance from a R-1 through R-5 zoned property, reduce the open space provided, and reduce the number of off-street loading spaces provided.

The property is also subject to the Beltline Zoning Overlay, which requires the approval of a Special administrative Permit (SAP) to ensure compliance with those zoning regulations. That review will likely follow the Commission's review of the project.

The Applicant has submitted one companion Certificate of Appropriateness application: a Type III application regarding the lot consolidation and replat of the several properties (according to the City's plat maps) on the site.

The Staff had several discussions with the development team prior to the submission of their application both to discuss the project itself, as well as the coordination of the Beltline Overlay Zoning and District reviews.

Lastly, per Section 16-20L.005(1)(c), in Subarea 3 of the District, the Office of Planning is required to review proposals regarding the general zoning requirements included within Subarea 3. These requirements deal with such issues as parking, open space, uses, floor area ratios and square footages, buffers, etc. This review must be completed before the Commission hears the application and completes its review. Given that the Staff is now part of the Office of Planning and the property is also subject to the Beltline Overlay Zoning SAP review (which is done by other Office of Planning Staff), the zoning analysis required by the District regulations has been completed in a companion analysis and its conclusions have been incorporated into this Staff Report.

Analysis: The following code sections apply to this application:

Per Section 16-20L.005 of the Atlanta Land Development, as amended:

The following general regulations shall apply to all properties located within the Inman Park Historic District.

1. General Criteria.

- b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
 - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ii. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
 - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.

- vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
 - vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
 - viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
 - c. New construction in Subarea 2 and in Subarea 3: Contemporary design for new construction and for additions to existing properties shall not be discouraged when such construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy Section 16-20L.007 or Section 16-20L.008, as applicable.
 - e. Initial plan review for proposed improvements in Subarea 2 and 3. Prior to submission of any development plans involving new construction including any addition to any existing building that otherwise requires review by the Commission, such plans shall first be submitted to and reviewed by the Bureau of Planning for conformance with the zoning requirements of Subarea 2 or 3 as applies. The Director of the Bureau of Planning shall review said plans and shall transmit to the director of the Urban Design Commission in writing within thirty days of receipt of such plans a written statement as to whether or not in the Planning Director's opinion, such plans are in conformance with the zoning requirements imposed within Subarea 2 or within Subarea 3, as is applicable.
2. Certificates of Appropriateness.
- a. Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - d. Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - i. All new principal structures.
 - ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a Certificate of Appropriateness in the Subarea regulations.
 - i. Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint.
 - ii. Subdivisions, consolidations, and replats as required per Section 16-20L.005(5).
 - iii. Variances and special exceptions.
 - e. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.
3. Variances, Special Exceptions, and Appeals.
- Variance applications, applications for Special Exceptions, and appeals from these Regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in Chapter 26 of this Part 16. The Commission shall have the authority to grant or deny applications for Special Exceptions pursuant to the standards in Chapter 25. The Commission shall have the authority to grant or deny applications for appeal pursuant to the standards in Section 16-30.010 and the appeal provisions for said decision, set forth in Section 16-30.010(e), shall also apply to the Commission's decision.

Per Section 16-20L.008 of the Atlanta Land Development, as amended - Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3.

Subsections 1 – 22 [See attached copies of 16-20L.008 – Subarea 3 Regulations.]

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

General Zoning Analysis

The Staff has completed a general zoning analysis and reached the following conclusions:

1. The C-2 zoning requirements address very basic characteristics of the property: allowed uses (principal, accessory, special), transitional characteristics (uses, height planes, yards, and screening), density, open space requirements, setbacks, lot size, yard requirements, height, and the number of off-street parking spaces.
2. The District regulations superseded or modified the C-2 zoning requirements related to setbacks, density, uses, building heights, and open space requirements.
3. The Beltline Zoning Overlay District superseded or modified the C-2 zoning requirements related to transitional yards, open space allowances, front setbacks, and off street space parking spaces requirements.
4. Both the District and Beltline Zoning Overlay District have requirements that go beyond the C-2 zoning requirements that address overall design, building articulation and fenestration, facades, site arrangement and parking lot and deck design.
5. The Beltline Zoning Overlay District has various requirements that are stricter then the C-2 and District regulations, and thus are the governing requirement for that topic.
6. Except as noted below, the following C-2 zoning requirements are being met by the proposed project: permitted uses; transitional uses, yards, and height planes; setbacks; and the minimum off-street parking spaces.
7. The Beltline Zoning Overlay requirements will be addressed through the concurrent Beltline Special Administrative Permit (SAP) review process.

In addition, the Applicant has proposed that the project's relationship to the Beltline be such that retail, office, and eating and drinking establishments adjacent to the Beltline in the existing Stove Works building be considered "street-fronting, sidewalk level" establishments. This has been proposed by the Applicant for the purposes of obtaining a ground floor commercial office / retail floor area ratio bonus for the project. In essence, the Applicant has requested that the Beltline be considered a street with sidewalk characteristics to it. The Staff concurs with that conclusion for several reasons. First, the Beltline has been considered public right of way for the purposes of other City-related development and permitting reviews. Second, it is open to the public and will provide transportation access to the site. Third, it is connected to the public street system at Lake Avenue (just north of the project site). Fourth, the Beltline Overlay Zoning District requires access and fenestration treatment of buildings that front the Beltline similar to that which would be required along public streets for other City zoning districts.

Given the Staff's concurrence with the Beltline's "status" for this project, the Staff also finds that this status cannot just be conferred on the Beltline for the purposes of obtaining a ground floor commercial

office / retail floor area ratio bonus, but must be applied uniformly and consistently in relation to all of the zoning requirements (both District and Beltline Overlay) that apply to this project.

Building Height Variance Analysis

As noted in the District regulations, there are two potential “height zones” for proposed structures/buildings on properties in Subarea 3: proposed buildings / structures that are within 150 ft. of an R-1 through R-5 zoning district and proposed buildings / structures that are more than 150 ft. from an R-1 through R-5 zoning district. On the proposed site plan, the Applicant has shown that none of the proposed building / structure is within 150 ft. of an R-1 through R-5 zoning district given that no part of the entire property is within 150 ft. of an R-1 through R-5 zoning district. The Applicant has applied to increase the allowable height within the second “height zone” for structures that are more than 150 ft. from an R-1 through R-5 zoning district.

The project has two traditional street frontages (Krog Street and Edgewood Avenue) and has noted above also has frontage along the Beltline. Thus the project has two traditional front elevations and one “front” elevation facing the Beltline. The Staff finds that for each of these three frontages (which are where the District regulations require the building’s height to be measured); the proposed building must meet the building height limitations as established by the “height zone” for the 150 ft. distance and beyond. Along Krog Street and Edgewood Avenue, the building is located immediately adjacent to the sidewalk and supplemental zone area. Along the Beltline frontage it is located immediately adjacent to the required buffer. This site planning approach is due to the requirement for and interest in the sidewalk level activity proposed for the project on all street and Beltline frontages. As such, the Staff finds that the bottom starting point for measuring the building height on the front elevation and the bottom starting point for the building height measured “above the grade of the street on which said building faces” are the same.

At the same time, the District regulations also allow for variances from the maximum heights if certain building heights are met as measured “above the grade of the street on which said building faces”, other factors are considered, and the standard variance criteria are met. However, given that the overall building height at the front elevation is measured at the same location as the building height “above the grade of the street on which said building faces”, the Staff finds that these two measurement approaches would essentially result in the same height being calculated even though the regulations contemplate different “calculated heights” for the same building. As a result, the Staff finds that for these types of circumstances a reasonable and project-specific differentiation should be established between the measurement techniques to accommodate the ability to seek the variance outlined in the District regulations. The Staff finds that with keeping the two bottom starting points the same, a reasonable differentiation is that the overall building height would still be measured to the overall highest point of the building and the building height “above the grade of the street on which said building faces” should be measured to the top of the front-most building façade face.

Given this differentiation, the Applicant has proposed a building height variance which maintain the height of the front-most façade building face within the range outlined in the District regulations for the building height “above the grade of the street on which said building faces” by generally stepping back the rest of the building that is above the front-most building façade face.

The Staff concurs with the Applicant's argument for the building height variance. The Applicant notes that the property is long and thin, limiting the arrangement of the new building. Further, the existing property has a significant change in topography of 34 ft. The Staff would add that the proposed increase in the total, overall building height is limited to a portion of the building along the southern end of the Krog Street frontage as it nears Edgewood Avenue. This is the portion of the site with the most severe topographic change. In particular, when viewed along the Beltline frontage, the property has an extreme drop from the Edgewood Avenue Street / bridge approach to the main grade of the site. This drop off necessitates raising the southern end of the building to rise above the Edgewood Avenue grade and to maintain an architectural continuity with the rest of the building farther north.

In addition, the majority of the building (accept as noted below) maintains the 52 ft. height along the back edge of the sidewalk / supplemental zone and required continuous buffer.

However, the Staff would note that the District regulations require building heights to be measured to the highest part of the roof or façade, whichever is higher. While normally parapet walls would be excluded from building height calculations (per Section 16-28.022), the specificity of the District regulations would supersede that allowance and thus require that such parapet walls are included in the building height calculations. On the Krog Street frontage the highest point of the façade is above the requested variance of 67.5 ft. as measured from that frontage's average grade starting point. Along the Edgewood Avenue and Beltline frontages, the highest point of the façade is more than 52 ft. above the average grade starting point. As such, the Staff would recommend that the total, overall building height be lowered along the three frontages to meet the 67.5 ft. maximum height and the building height at the back edge of the sidewalk / supplemental zone or required corridor buffer be lowered to meet the 52 ft. height.

Taking into account the analysis above, and the preceding condition, the Staff would recommend approval of the height variance request.

Open Space Reduction Variance

Regarding the open space reductions, the Staff also generally concurs with the Applicant's analysis. In the case of this variance, the properties three frontages (two street frontages and the Beltline frontage) substantially increase the gross lot area of the project, thus increasing the required total open space and usable open space. This increase in gross lot coverage, coupled with the long, thin shape of the property, limits options for creating and arranging open space on the property and at the same time creating a viable redevelopment project. Further, the retention of the existing Stove Works complex limits the available footprint of proposed development and where open space can be allocated.

Taking into account the analysis above, the Staff would recommend approval of the reduction of the total open space and usable open space variance request.

Reduction of Off-Street Loading Spaces

The number and type off-street loading spaces are determined by the C-2 underlying zoning. The Commission does not have the authority to vary C-2 zoning requirements. However, the Beltline Zoning Overlay District does allow for the administrative reduction of the off-street loading spaces required by the underlying zoning based on certain characteristics of the project and property.

As such, the Staff would recommend that the number and type of off-street loading spaces be addressed through the SAP process required by the Beltline Zoning Overlay District.

General Development Controls and Parking Requirements.

A very general calculation of the amount of nonresidential and residential floor area is provided, as well as a very general breakdown of the open space requirements and parking ratios. As noted above, the Applicant is utilizing the ground floor commercial office and retail bonus to achieve their proposed density and square footages. Except as noted below, the Staff finds that the bulk limitations have been met, the proposed non-residential uses are allowed and the right size, and an adequate amount of parking has been provided.

The Staff would recommend that the Applicant document the square footage of the uses that are contained within the 20% of the building footprint claimed for the ground floor commercial bonus and the amount of the bonus actually used.

In addition, the residential floor area ratio calculations are not clear to the Staff. The Staff would recommend that the Applicant provide more explanation / narrative on the site plan explaining the residential floor area ratio calculations and the effect of the bonus on the residential floor area ratio calculations.

Further, it is not clear where the total open space and usable open space that is provided is located, as well as the relationship between those two open space amounts and the public open space amount. The Staff would recommend the Applicant provide more information clarifying all of the open space calculations and the location of the various open and public spaces. The Staff would note that all of the total, usable, and public open space claimed by the Applicant must be provided on the property.

Lastly, it is likely that the restaurant space proposed in the northeast corner of the new building will have outdoor dining in the large plaza between it and the existing driveway. It does not appear, however, that the potential for such outdoor dining has been anticipated in the calculation of potential parking needs. It is also not clear if there is any existing or proposed outdoor dining for the uses in the existing Stove Works building. The Staff would recommend the Applicant provide clarification of any outdoor dining and the adequate provision of parking for such uses as may be required for any zoning regulation.

Site Plan and Basic Design Analysis

Unless noted below, the Staff has concluded that the site plan-related elements meet the specific site plan related requirements of Subarea 3; the requirements are superseded by a more strict Beltline Overlay Zoning District regulation; the requirement is not applicable to this project due to the retained, existing features, the proposed design, or the characteristic of the adjacent properties; or the Applicant has requested the above noted variances.

Sidewalk Zones (Section 16-20L.008(6)(i) and (k))

The Staff would recommend the site plan clearly delineate the use and placement of any street furniture, such as pedestrian lights, benches, trash cans, etc.

Street trees and groundcover (Section 16-20L.008(6)(d) and (e))

The Staff would recommend that all street trees should be specified on the site plan as 4" in caliper measured 36 inches above ground, be a minimum of 12 feet in height, have a minimum mature height of 40 feet, be limbed up to a minimum height of seven feet, and have a minimum planting area of 25 sq. ft. The Staff would also recommend that the Applicant confirm the size of the tree planting area. The Staff would also recommend that the Applicant confirm the use of tree grates and their compliance with the District regulations.

Sidewalk materials and curb cuts (Section 16-20L.008(10)(a) and (b))

The Staff would recommend that the sidewalk materials continue across the curbs cuts on the site. The Staff would further note that textured bands of concrete on either side of the sidewalk be included at all curb cut locations.

Parking lot and deck lighting (Section 16-20L.008(11)(a) and (b))

The Staff would recommend that the plans specify the lights for the parking lots and decks will not be visible from any public street, park, or private street and that they meet the lighting intensity requirements.

Parking lot landscaping (Section 16-20L.008(12))

The Staff would recommend that the proposed parking in front of the central loading dock meet the landscaping requirements.

Electric vehicle charging stations and bicycle parking (Section 16-20L.008(15)(b))

The Staff would recommend that the site plan identify the location of the required number of electric vehicle charging stations.

Architectural Analysis

Unless noted below, the Staff has concluded that the architectural related elements meet the specific architectural related requirements of Subarea 3, the requirements are superseded by a more strict Beltline Overlay Zoning District regulation, the requirement is not applicable to this project due to the proposed design, or the Applicant has requested the above noted variances.

As noted earlier, the Staff had a couple meetings with the Applicant and reviewed preliminary elevations at some of those meetings. Generally speaking, the Staff finds that given the allowance for contemporary design in Subarea 3, the proposed project meets the architectural requirements of the Subarea 3 regulations. At a general level, the Staff finds that the size and massing of the buildings is appropriate for the site, as well as compatible with the District.

Building Heights

The proposed buildings are above the minimum height requirements. Regarding the maximum height requirements, given the Staff conditional recommendation for the variance, the Staff finds the project meets the maximum heights provided for Subarea 3 of the District.

Beltline Frontage Treatments

As noted above, the Applicant proposed that the project's relationship to the Beltline be such that retail, office, and eating and drinking establishments adjacent to the Beltline in the existing building be

considered “street-fronting, sidewalk level” establishments. This has been proposed by the Applicant for the purposes of obtaining the ground floor commercial office / retail floor area ratio bonus for the project. In essence, the Applicant has requested that the Beltline be considered a street with sidewalk characteristics to it.

Given the Staff’s concurrence with the Beltline’s “status” for this project, the Staff also finds that this status cannot just be conferred on the Beltline for the purposes of obtaining a ground floor commercial office / retail floor area ratio bonus, but must be applied uniformly and consistently in relation to all of the zoning requirements (both District and Beltline Overlay) that apply to this project. In that way, the Beltline’s “street” status does not just impart development rights on the project, but also makes the project conform to the pertinent zoning requirements to achieve those rights like any other project would normally do.

As such, the Staff finds that the existing Stove Works building, which is where the uses / tenants claimed for the ground floor commercial office / retail bonus are actually located, should be renovated to meet all of the architectural requirements found in the District regulations for buildings along a street and all of the Beltline Zoning Overlay requirements that would apply to new buildings with frontage along the Beltline. This could include, but not be limited to pedestrian access; entrance location and number; and fenestration size, type, and location.

The Staff would recommend that the existing Stove Works building be renovated to meet all of the architectural requirements found in the District regulations for buildings along a street and all of the Beltline Zoning Overlay requirements that would apply to new buildings with frontage along the Beltline.

Overall Patterns and Style of Building Façade

The Staff is concerned that essentially the entire building will have the same architectural treatment, materials, window and door patterns, and architectural articulations. Given the size, length, and height of the building (which will be larger almost any other building in the district), the Staff finds that this will create a monolithic and massive appearance to the building. Given that there are some overall variations in the massing and height of the building, there are opportunities to use these massing and height variations to create meaningful and coherent changes in the building’s architectural treatments, materials, and windows and door patterns. The Staff would recommend that meaningful and coherent variations in the building’s architectural treatments, materials, and windows and door patterns are used that are related to the building’s change in height and massing.

North Façade of Parking Deck

While it appears that the north façade of the parking deck will have the appearance of a horizontally storied building and will conceal from view the parking vehicles, the Staff is concerned that it will still have significant visual impact on the property and this portion of the District. In particular, the Staff is concerned that it has no visual relationship to the patterns and proportions of the rest of the north façade of the building and will stand out from the rest of the façade. There is no indication of the materials or exterior finishes of the parking deck façade, as it the case with the rest of the building. The Staff would recommend that the north façade of the parking deck be redesigned to be similar to the north façade of the building, including but limited to its patterns, proportions, and materials.

Specific Architectural Comments

The Staff finds that some of the proposed architectural elements and materials used are appropriate for a contemporary, somewhat modern building. However, there are several architectural elements and materials that are not clear in the proposal.

It is not clear if the window openings will be recessed back from the adjacent façade materials and if the window frames and light divisions themselves will appear flat and lack depth. The Staff would recommend that all the window framing be substantial enough in width and reveal (between window frame and glass and different sashes to provide a perception of weight and substance to the windows themselves. Given the scale of the elevations submitted, the Staff would further recommend that window specifications and cut sheets be submitted to the Staff for review and, if appropriate, approval. The Staff would also recommend that all storefront glass be clear to ensure visibility into the retail areas.

Also, the plans do not provide information on the materials for the exterior of the building. While it appears that there might be various types of “masonry” used (brick, stone, stucco, etc.), no materials are actually specified on the elevations. The Staff would recommend the Applicant provide specifications regarding all exterior finishes. In particular, the Staff is concerned about the use of any stacked stone or thin edge stone in the northeast corner of the building.

Further, it appears that there are small sections of what appears to be siding material on the building. The Staff finds that siding, cementitious or otherwise, is a material more routinely found on single-family or low-rise residential construction, which the proposed project is not. The Staff would recommend that no residential-style siding be used on the sides of the building that face or are visible from a public street or the Beltline.

In addition, there are not details provided regarding the treatment of the doors of the service access along Krog Street within the proposed building. The elevation shows a general grid-like pattern, but no details about the material of the doors (glass, opaque, metal, etc.) or how they will open, which will also affect their design. Given this access is provided along the project’s main frontage, the treatment of this access must be done to reduce as much as possible its negative effect on the Krog Street pedestrian environment. The Staff would recommend that more details be provided about the treatment of the service access provided along Krog Street within the proposed building.

Lastly, the Staff is concerned that the parapet wall of the building will appear too single-family residential in character, similar to an eave and brackets on a pitched roof. Acknowledging that the new building is essentially a residential building, the Staff finds that a parapet wall with a more commercial-style cornice would be more compatible with the size and massing of the building. The Staff would recommend that the parapet wall of the proposed building be redesigned to incorporate a design more compatible with the size and massing of the building.

Staff Recommendation: Based upon the following:

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography, per Section 16-26.003;
- 2) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship, per Section 16-26.003;
- 3) There are conditions that are peculiar to the particular piece of property involved, per Section 16-26.003; and
- 4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta, per Section 16-26.003.

Staff recommends approval of the Application for a Type III Certificates of Appropriateness (CA3-13-182) for a variance to reduce the total open space from 198, 821 sq. ft.(required) to 108,000 sq. ft. (proposed); reduce the useable open space from 115,258 sq. ft. (required) to 65,000 sq. ft. (proposed); reduce the off-street loading spaces from 8 (required) to 3 (proposed) and increase the height of a building that is located 150 ft. or more from a R-1 through R-5 residential district from 52 ft. (required) to 67.5 ft. (proposed) at **112 Krog Street and 670-702 Edgewood Ave.** - Property is zoned C-2/HC-20L SA3/Beltline, with the following conditions:

1. The total, overall building height shall be lowered along the three frontages to meet the 67.5 ft. maximum height and the building height at the back edge of the sidewalk / supplemental zone or required corridor buffer shall be lowered to meet the 52 ft. height, per Section 16-20L.008(8); and
2. The number and type of off-street loading spaces shall be addressed through the SAP process required by the Beltline Zoning Overlay District.

Staff Recommendation: Based on the following:

- 1) The project meets the C-2 zoning regulations, except as noted above; and
- 2) The project generally meets the site plan, bulk limitation, and architectural requirements, per Section 16-20L.008, except as noted above.

Staff recommends approval of the Application for a Type III Certificates of Appropriateness (CA3-13-183) for a new mixed-use building and parking deck at **112 Krog Street and 670-702 Edgewood Ave.** - Property is zoned C-2/HC-20L SA3/Beltline, with the following conditions:

1. The Applicant shall document the square footage of the uses that are contained within the 20% of the building footprint claimed for the ground floor commercial office / retail bonus and the amount of the bonus actually used, per Section 16-20L.008(14)(c);
2. The Applicant shall provide more explanation / narrative on the site plan explaining the residential floor area ratio calculations and the effect of the bonus on the residential floor area ratio calculations, per Section 16-20L.008(14)(b);
3. The Applicant shall provide more information clarifying all of the open space calculations and the location of the various open and public spaces, per Section 16-20L.008(2);
4. The Applicant shall provide clarification of any outdoor dining and the adequate provision of parking for such uses as may be required for any zoning regulation, per Section 16-20L.008(15);
5. The site plan shall clearly delineate the use and placement of any street furniture, such as pedestrian lights, benches, trash cans, etc., Section 16-20L.008(6)(i) and (k);
6. All street trees shall be specified on the site plan as 4" in caliper measured 36 inches above ground, be a minimum of 12 feet in height, have a minimum mature height of 40 feet, be limbed up to a

minimum height of seven feet, and have a minimum planting area of 25 sq. ft., per Section 16-20L.008(6)(d);

7. The Applicant shall confirm the use of tree grates and their compliance with the District regulations, per Section 16-20L.008(6)(e);
8. The sidewalk materials shall continue across the curbs cuts on the site and textured bands of concrete on either side of the sidewalk shall be included at all curb cut locations, per Section 16-20L.008(10)(a) and (b);
9. The plans shall specify that the lights for the parking decks shall not be visible from any public street, park, or private street and that they meet the lighting intensity requirements, per Section 16-20L.008(11)(a) and (b);
10. The proposed parking in front of the central loading dock meet the landscaping requirements, per Section 16-20L.008(12);
11. The site plan identify the location of the required number of electric vehicle charging stations, per Section 16-20L.008(15)(b);
12. Meaningful and coherent variations in the building's architectural treatments, materials, and windows and door patterns shall be used that are related to the building's change in height and massing, per Section 16-20L.005(1)(c) ;
13. The north façade of the parking deck shall be redesigned to be similar to the north façade of the building, including but limited to its patterns, proportions, and materials, per Section 16-20L.005(1)(c) ;
14. All the window framing shall be substantial enough in width and reveal (between window frame and glass and different sashes) to provide a perception of weight and substance to the windows themselves, per Section 16-20L.005(1)(b);
15. The window specifications and cut sheets shall be submitted to the Staff for review and, if appropriate, approval, and all the storefront glass shall be clear to ensure visibility into the retail areas, per Section 16-20L.005(1)(b);
16. The Applicant shall provide additional specifications regarding all exterior finishes, per Section 16-20L.005(1)(b);
17. No residential-style siding shall be used on the sides of the building that face or are visible from a public street or the Beltline, per Section 16-20L.005(1)(b);
18. More details shall be provided about the treatment of the service access provided along Krog Street within the proposed building, per Section 16-20L.005(1)(c) ;
19. The parapet wall of the proposed building shall be redesigned to incorporate a design more compatible with the size and massing of the building, per Section 16-20L.005(1)(c) ; and
20. The Staff shall review, and if appropriate approve, the final design, site plan, elevations, and material specifications, including any changes to the project required by the Beltline Overlay Zoning District regulations.



KASIM REED
MAYOR

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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

MEMORANDUM

TO: Douglas Young, Director, Atlanta Urban Design Commission

FROM: Charletta Wilson Jacks, Director, Office of Planning *CWJ*

RE: 112 Krog Street and 670- 702 Edgewood Avenue - CA3-13-182 and 183
Zoning: C-2 / Inman Park Historic District (Subarea 3) / Beltline

DATE: July 23, 2013

Per the Inman Park Historic District Regulations, Section 16-20L.005(1)(e), the Office of Planning is required to review plans for new developments located in Subarea 2 and 3 to determine compliance with the zoning requirements of the subarea of the Inman Park Historic District in which the project is located. The proposed project is located in Subarea 3. I have reviewed the plans and supporting materials received by the Urban Design Commission Staff as part of the application filed on July 2, 2013 and have the following planning-related comments:

- The proposal does not meet the total open space and usable open space requirements for the proposed amount of residential FAR, per Section 16-20L.008(2). The applicant has requested a variance from the Urban Design Commission related to this requirement. The proposal notes the public open space required for the commercial FAR, per Section 16-20L.008(2), but it is not clear if the requirement is provided and if there is any double counting in relation to the usable open space amount. No open space is proposed for relocation, per Section 16-20L.008(4).
- The property is adjacent to the railroad corridor (i.e. the Beltline) and meets the “continue buffer” requirement for the new construction portion of the project, per Section 16-20L.008(5). The existing building already encroaches into the buffer.
- The sidewalks (including street furniture and clear zone) and the location of the street trees meet the regulations, per Section 16-20L.008(6). No street furniture (benches, lights, and trash receptacles) is shown on the site plan. The specifications of the street trees is also not shown in the plans.
- The proposed project is located on part of an existing block in which less than half of the longest block face (about 385 ft. of a total block face of about 1,200 ft.) will be redeveloped. As such, project is not proposing a new block face of more than 600 ft. in length, per Section 16-20L.008(7).

- The height of the new building in the project meets the minimum height requirements, per Section16-20L.008(8). The height of the buildings exceeds the maximum height outside the 150 ft. distance from a R-1 through R-5 zoning district. The Applicant has requested a variance from the Urban Design Commission related to this requirement, per Section16-20L.008(8).
- The proposal meets the front, side, and rear yard setback requirements, per Section16-20L.008(9).
- The proposal does not meet the requirements related to sidewalk paving materials and adjacent treatments for the one new driveway proposed. The proposal does meet the circular drives, the number of curb cuts, parking areas and driveways, parking decks, and drop off lanes, per Section16-20L.008(10). The proposal does not specify the minimum lighting intensity in the parking deck nor how it meets the “visibility” requirements for lighting fixtures, per Section16-20L.008(11). It is not clear is the proposed parking in front of the central loading dock meets the landscaping requirements, per Section 16-20L.008(12).
- The proposal includes permitted uses, per Section16-20L.008(13).
- The proposal has less commercial FAR then the permitted base amount (1.0 net lot area), per Section16-20L.008(14). The proposal has more residential FAR then the permitted base amount (.696 gross lot area), per Section16-20L.008(14). However, the Applicant is utilizing the ground floor commercial bonus permitted under this same section to increase their residential FAR, which combined with the commercial FAR is equal to the overall maximum FAR (1.49 net lot area) allowed under the bonus system.
- The proposal meets some of the off-street parking requirements, including minimum amounts, per Section16-20L.008(15). It is not clear where the electric vehicle charging station(s) are proposed, per Section16-20L.008(15). The bicycle parking requirements have been met, per Section16-20L.008(16).
- The Urban Design Commission shall determine if the standards found in per Section16-20L.005(1)(b) and (c) have been met, per Section 16-20L.008(18).
- Current City of Atlanta noise ordinances apply to this project, per Section16-20L.008(19).
- No previous zoning variances are being utilized as part of the proposal, per Section16-20L.008(20).
- No buildings are being rebuilt nor are any “minor alterations” being proposed, per Section16-20L.008(21) and (22).



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

July 24, 2013

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-184) for a variance to increase the height of an accessory structure from 15' (required) to 17'6" (proposed) at 204 Powell Street– Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline.

Applicant: Susan Thompson
204 Powell Street

Facts: According to the 2002 inventory, this single-family dwelling built before 1911 is considered contributing.

Analysis: The following code sections apply to this application:
Per Section 16-20.007

- (a) *When Required, Generally:* In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
 - (3) *Landmark Districts:*
 - (a) To change the exterior appearance of any structure within any Landmark District;
 - (b) To erect any new structure or to make an addition to any structure within a Landmark District;
 - (c) To demolish or move any structure, in whole or in part, within a Landmark District; or

Per Section 16-20.009. Same; further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

Per Section 16-20A.005. Certificates of appropriateness.

Certificates of appropriateness within this district shall be required as follows:

- (1) *When required:*
To change the exterior appearance of any portion of a structure within the district
- (2) *Type required:*
 - b) If the proposed alteration for minor façade alterations, fences, walls, accessory structures, decks, paving and satellite dishes meets the requirements of section 16-20A.006, section 16-20A.007, section 16-20A.008, section 16-20A.009, section 16-20A.010, and section 16-20A.011, as applicable, then the director of the commission shall issue the Type II Certificate

Sec. 16-20A.006. General regulations.

The following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (3) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (4) *Variances.* Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (9) *Minimum lot requirements.* There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- 16) *Accessory Structures and Uses.* Accessory structures and uses that are customarily incidental and subordinate to permitted principal uses and structures are allowed. These include the following, subject to limitations and requirements set forth herein or elsewhere in this part:
 - a) carriage houses, tool and garden sheds, greenhouses, private garages and similar structures shall be unattached, located to the rear of the principal building within the buildable area of the lot, and shall not

project beyond the front of the principal building. In addition, they shall be located in the least visible location within permissible areas. The commission may require screening with appropriate plant or fence materials if said structure is visible from the public right of way; satellite dishes, devices for the generation of energy, such as solar panels, shall be attached to a building and shall not be visible from any public right of way; and

b) home occupations.

Sec. 16-20A.009. Shotgun and cottage housing (subarea 3).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the shotgun and cottage housing subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

(1) *Shotgun Housing.* Shotgun housing is a style typified by simple structures whose width is no more than that of one (1) room extending from the front to rear of the structure or, in the case of a double shotgun, two rooms wide. This housing type is usually closely spaced and is found most often along Savannah Street and Berean Avenue within this subarea.

4) *Permitted accessory uses and structures.* In addition to the uses and structures listed in 16-20A.006(16), the following are allowed, subject to limitations and requirements set forth herein or elsewhere in this part:

In-ground swimming pools and similar active recreation facilities subject to the following limitations. Such active recreation facilities in any yard, required or other, adjacent to a street shall require a special exception from the commission, which special exception shall be granted only upon finding that:

The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic, and the applicant shall contact the adjoining neighbors about the special exception and provide written letters to the commission from the adjoining neighbors regarding the propriety of the special exception.

1. The area for such activity could not reasonably be located elsewhere on the lot.

The commission may condition any special exception for such facilities based on concerns regarding visibility from public right of way, fencing, screening, or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.

(1) *Minimum lot requirements.* In addition to the setback requirements in Section 16-20A.006(9), in no case shall any portion of a building be closer to a public sidewalk than any portion of any contributing building of like use on the block face.

(2) *Maximum building height and width.* The compatibility rule shall apply.

The Applicant constructed an accessory structure in the rear yard without the appropriate permits. Per regulations, accessory structures are required to meet the height and setback requirements. According to the Applicant, the required height is 15'. The proposed accessory structure is 17'6" and therefore a variance is required. The Applicant has submitted several pictures, however there are no pictures of the accessory structure being used as a point of comparison. Staff recommends the Applicant provide a picture of the accessory structure that is being used as a point of comparison.

According to the Applicant, a variance is needed to allow for space to work and a loft space. The Applicant points out that the buildable area of the lot contains trees that do not allow for a larger structure. The Applicant finds the only solution to providing for the desired space is to construct a taller building. It is not clear from the narrative why a building that meets the height requirement cannot be constructed. The Applicant indicates various equipment that will be used, however it is not clear how big the equipment is and how much square footage is needed. It is not clear why the loft space is needed. Will this space be used as living space or storage space? While Staff has no general

concerns regarding the accessory structure, Staff finds the Applicant has not provided enough information that documents the need for a taller building. Staff recommends the Applicant provide additional documentation that indicates why denial of the variance is a hardship. Given the information we have at this time, Staff cannot support the proposed variance.

Notwithstanding the concerns regarding the need for a variance, Staff has concerns regarding the construction of the accessory structure. In talking with the Office of Buildings, it is likely an appropriate foundation will be required for the accessory structure. The Office of Buildings has concerns that in its current condition, the building may collapse. If a full foundation is required, Staff finds that the existing trees near the accessory structure will be impacted. Staff has concerns that the existing building may require revisions due to the need for a full foundation and possible tree concerns. Staff suggests the Applicant speak with the Office of Buildings regarding the foundation and tree issue before proceeding any further.

Staff Recommendation: Based upon the following:

- 1) There are no extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography);
- 2) The application of the Zoning Ordinance of the City of Atlanta to this piece of property does not create an unnecessary hardship;
- 3) There are no conditions peculiar to this property;
- 4) Relief if granted would not cause a substantial detriment to the public good;

Staff recommends deferral of the Application for a Type III Certificate (CA3-13-184) for a variance to increase the height of an accessory structure from 15' (required) to 17'6" (proposed) at 204 Powell Street— Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline, to allow the Applicant time to address the following concerns of Staff:

1. The Applicant shall provide a picture of the accessory structure that is being used as a point of comparison, per Section 16-20A.009(1) and (2);
2. The Applicant shall provide additional documentation that indicates why denial of the variance is a hardship, per Section 16-20A.006(4); and
3. The Applicant shall submit appropriate copies of updated information no later than eight days before the deferred meeting.



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT **July 24, 2013**

Agenda Item: Application for a Review and Comment (RC-13-186) on the partial demolition, additions, and renovations at **1925 Niskey Lake Road (Bunche Middle School)** - Property is zoned R-4.

Applicant: Ngugi Mathu
191 Peachtree Street, Suite 2400

Facts: The school was designed in 1977 and built in 1978, according to the application materials. The proposed project will demolish the northern portion of the building closest to the north parking lot. The large addition will be built in that location and the entire rest of the school will be completely reconfigured and renovated. In addition, the parking lots, athletic fields and play areas will be configured.

The application materials do not note the architect credited with the design of the existing school.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (7) The commission shall review the alteration, demolition, movement or construction of any structure, site or building which involves the use of capital expenditures by the City of Atlanta or capital expenditures by other public agencies or authorities which are required to submit plans for review by the city.

Per Section 16-20.009. Same; further standards.

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.

- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Whenever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

The Staff would note that while the building is not eligible for historic recognition due to its more-recent age (constructed in 1978), it is a very unique structure that is very typical of its era. The Staff would generally concur with the difficulties of using the building in its current configuration given the educational approaches used today, as well as how schools are managed today. However, the Staff finds that the building does have several unique design features, including the dramatic ribbon windows and corner balconies, the waffle detailing underneath the canopy of the front entry area, and the partially circular and partially cantilevered internal courtyard.

Site Plan

The Staff does have several comments about the overall site plan. First, it would appear from the architectural site plan that the walkways from the public sidewalk do not continue all the way to the front entry area. Similarly, the architectural site plan and perspective view do not show the same pedestrian treatments in the parking lot area. The perspective view shows a more substantial (and desirable) promenade towards the street, but still doesn't show whether it would connect to the street. The Staff would strongly recommend that ample pedestrian access from the public sidewalk be included in the project and that a substantial approach to the front entrance be emphasized in the design.

Second, the Staff is concerned that even though a sense of isolation regarding the athletic fields was mentioned in the application materials, the proposed site plan does not appear to improve the situation. There is a small, winding path to the outfield of the field with heavy existing or proposed tree plantings between it and the school building. Similarly, there is not apparent pedestrian connection to the track and football field, including a place to gather or sit to watch an event.

Third, regarding vehicle access it would appear that the curb cuts include large radiuses unnecessarily increasing the width of the interruption of the sidewalk. In addition, the loading area does not appear to be screened from the circular drive and front parking area.

Building Renovations and Addition

The Staff also have several comments about the building renovations and addition. First, the Staff is concerned that virtually no aspect of what would be considered a very unique design has been retained in the renovation. If the retention of some of the unique features noted above is not possible, the Staff would recommend that there be a small display installed in the main lobby

that would include some narrative, photographs and information about the original architect, the design concept / theory and the school in its previous form. This would help future students and visitors understand the unique design of the previous school.

Second, the Staff is concerned about the design of the plaza in front of the main entrance. While the sidewalks on either side of the main entry plaza are partially covered, the canopies abruptly stop to the sides of the front doors, leaving that part of the plaza completely exposed. As a result, when people come or go out of the front entrance they will be unprotected from the weather until they go to either side. Those who are going straight out to the parking lot will have no protection at all. Further, behind the canopies are two other uncovered plazas. While these would be likely places for people or students to congregate before or after events or waiting for pick-up, etc. there is no shade or seating areas provided.

Third, regarding the canopies themselves, the Staff finds that in the perspective “east entrance views” they appear too cluttered given the short spacing and thin profile of the canopy supports.

Fourth, the Staff is concerned that the white, metal panel cladding is too distinct and “bright” in relation to the otherwise rather restrained and subtle design of the existing school. In particular, the “hoods” applied to the window walls that are south of the main entrance feel detached from the building itself. The Staff also finds that their presence detracts from the slightly more consistent and cohesive use of the panels in the front entry wall, which is setback from the rest of the front façade.

Fifth, the Staff is concerned that the new courtyard will suffer the same fate as the existing, underutilized courtyard if there is not sufficient attention to and programming of that space.

Lastly, it is not clear why some of the windows on the south elevation have a different light design than other windows on the south elevation and on the rest of the school.

Staff Recommendation: The Staff recommends that the Commission confirm that all the comments of the Commission and Staff have been delivered at the Commission meeting on the application for Review and Comment (RC-13-186) on the partial demolition, additions, and renovations at **1925 Niskey Lake Road (Bunche Middle School)**.



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

July 24, 2013

Agenda Item: Application for a Review and Comment (RC-13-187) on a new accessory structure at **765 Peeples Street (Brown Middle School)** - Property is zoned R-4A/West End Historic District.

Applicant: Patch Work City Farms
635 Holderness Street

Facts: The proposed accessory structure will be a prefabricated “hoop house” located to the side of the main school campus. It is located on a part of the property that projects behind houses that face Peeples Street to the east and Oglethorpe Avenue to the north. The hoop house will be located near an existing garden area that appears to contain raised beds.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (7) The commission shall review the alteration, demolition, movement or construction of any structure, site or building which involves the use of capital expenditures by the City of Atlanta or capital expenditures by other public agencies or authorities which are required to submit plans for review by the city.

Per Section 16-20.009. Same; further standards.

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather

than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Whenever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

The Staff fully supports the use of gardening and gardens in educational settings. Further, it appreciates the location of the hoop house to the side the historic school so it does not detract from the architecture of the house. However, it does have a couple of concerns and questions about the proposed hoop house and its location.

First, if the hoop house will be built as a permanent structure it is not clear how the foundations and treatment of the floor (i.e. the ground) inside the hoop house will affect the root zone of the tree to the north/north west.

Second, it is not clear if the hoop house will have electrical or water service. If electrical service is to be provided, the Staff would recommend that the connection / service line be under ground to avoid overhead wires and poles.

Third, the Staff is concerned about the responsibility for the maintenance of the hoop house and in particular the poly sheeting that is used to cover the frame of the hoop house. Not knowing the life span of the poly sheets, the Staff would presume that they must be replaced and/or patched on a periodic basis.

Fourth, the site plan does not indicate any ground treatment at the entrances to the hoop house to avoid erosion and ponding of water as the area around the entrance is beaten down.

Staff Recommendation: The Staff recommends that the Commission confirm that all the comments of the Commission and Staff have been delivered at the Commission meeting on the application for a Review and Comment (RC-13-187) on a new accessory structure at **765 Peeples Street (Brown Middle School)** - Property is zoned R-4A/West End Historic District.